

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
SEPTEMBER 11, 2013**

The Luray Planning Commission met on Wednesday, September 11, 2013 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
Larry Hakel
Ronald Good
Mark Malone
Grace Nowak
Jerry Dofflemyer

Absent: Brian Sours

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Mike Uram
Susan Custer

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

APPROVAL OF MINUTES:

Commissioner Hakel stated one change needs to be made. Those present included Ronald Good – the minutes don't show him as being present. Councilman Ron Vickers was here for a little while as well, but not for the whole meeting.

Commissioner Malone stated on page 5, next to the last paragraph, I don't think I said the last two sentences of that paragraph. I think Ligon make those statements.

Commissioner Campbell stated the minutes of August 7, 2013 stand approved as corrected.

PUBLIC HEARINGS:

SUP 13:3 – SUSAN CUSTER

Mr. Webb stated these are two structures located at 741 East Main Street. There are two lots – 18 and 19 with somewhere around 30,000 square feet; 0.7 of an acre. The principal building is a single family home. She wants to convert that into two apartment units which require a special use permit under the Town Code. She came to me several months ago and said she was considering buying it. It's a pretty large building and there is plenty of parking there. The structure behind the house is a very substantial stick built structure; really like a little house that's behind it. I told the real estate agent, Mr. Dudley, that both of them would lend themselves

nically to being apartments so that the only issue was to come forth to Council and get a special use permit. Usually with apartments the biggest issue is neighbors and parking. I have had one neighbor call me; I believe it might have been 17 Woodland, and said she didn't have any issue with this. She received the certified letter and just wanted to inquire a little more and I told her what was going on. As far as this type of housing, I think Ms. Custer plans on putting some work in it and obviously she has to follow up with the Building Official to make it according to the building code and converting it to the two apartments. She is going to have to put some work into it to satisfy the requirements; fire separation and all those different things; but she will work with the building official when the time comes to do that on both structures. My feeling is you are just improving both properties; put money into it; giving affordable places to live. I know it has been for sale for a while and I'm happy someone has purchased it.

Commissioner Campbell asked if we have the floor plans. Mr. Webb stated no; there is one on line on the appraisal network. I think the upstairs and downstairs basically mirror; both of them probably have 1,000 square feet each. As far as the separation and entrances; those are building code issues. Ms. Custer stated it has four bedrooms and one unit would have two bedrooms, two baths; and the other one would be 2 bedrooms and one bath. We are looking at probably dividing the building down the middle, and actually have a ground floor and an upper floor for each unit. I have talked to the building official about it already. I am a licensed home inspector too. Mr. Webb stated each unit needs to have its own separate access.

Commissioner Campbell asked does the second building has its own water connection. Mr. Webb stated no; that unit will need a water and sewer connection. I made mention of this to the prospective buyer; the main building has two water meters and a sewer connection. Commissioner Nowak mentioned they are close together on the side of the large building. Mr. Webb stated she can run one meter to the house in the rear, and use the other meter for the apartment building. This set-up would require her as the owner to pay the utility bill for the two apartments. If she wants to use those two meters and have separate service on each unit that's OK too, but then she will have to purchase a new meter and pay the fees. At this point it looks like she will have the minimum as it is configured now, she will have to at least purchase the sewer for that other structure. Those are things we will work out when she gets her permits.

Commissioner Nowak asked is someone living there now. Mr. Webb stated no. Ms. Custer stated I think the owner is using it as a jam room for bluegrass music. Commissioner Nowak stated there seems to be plenty of parking.

Mr. Chrisman stated since that second building is a detached structure, should we consider it an accessory dwelling. Mr. Webb stated you could probably interpret it several different ways. I would just consider it an apartment on its face; we have advertised it as a single apartment; and I think its fine to look at it in that fashion. For the sake of this hearing I just considered them all apartments.

Commissioner Campbell stated if there is no one to speak, this public hearing is closed.

Commissioner Hakel stated I move we recommend to Council approval of this special use permit request and motion seconded by Commissioner Malone. The vote was as follows:

YEA: Commissioners Campbell, Hakel, Good, Malone, Nowak and Dofflemyer. **APPROVED: 6-0**

ADOPTION OF COMPREHENSIVE PLAN

Mr. Webb stated this is something else we have advertised. We have had about 36 people open up our Facebook page to look at it. I haven't had any calls regarding it, so everyone seems to be comfortable with it.

We are trying to keep this digital; we have some hard copies. We are trying to avoid printing it. People are reading it on-line and I think that should be adequate. Whether or not every action item or items that we put in the action portion of the plan is achieved, the point is to have some sort of a vision or plan for moving forward. Mr. Webb asked if anyone from the public would like to speak.

Commissioner Jerry Dofflemyer spoke regarding the possibility of a stop light at West Main and Memorial Drive. He stated I have discussed this concern with several of you. As owner of a business there, I would be very negatively impacted if a stop light would be placed there. Mr. Webb stated we are definitely keeping an open mind. What we are going to do in a few months or maybe in a few weeks, is put the ropes down, do a traffic study and try to figure out if that light is warranted. We pretty much know that it's probably not going to meet the warrants because you remember we did a hearing a few years ago with the hospital and most of you were here. The idea is that if it is not warranted, the hospital could consider taking the money that they have proffered to the light and use it for other improvements; maybe putting a turn lane there as opposed to the light. That might be a better use of the money. The issue of the proffer says that they will put the money for the light. So they would have to change their proffer and we could do that. We would have to have a hearing. The last thing I want to see, and also the last thing the hospital wants to see there is a light if it doesn't really improve the safety, then if there is something else we can do, then they will do that.

Mr. Chrisman indicated that the hospital also promised to complete the required intersection studies at their cost and to provide up to \$10,000 in land acquisition costs. He went on to say that a turn lane would likely be more expensive and still not solve any traffic flow or safety issues at that intersection. He mentioned that while the Town has an offer to signalize that intersection, we should consider the long-term issues at this location.

Commissioner Dofflemeyer stated there definitely needs to be some upgrades or changes to the intersection. As a private citizen, I am very concerned about people getting in and out. Commissioner Campbell asked about a flashing light. Mr. Webb stated I know Mr. Chrisman had discussed potentially doing something like that, or putting a pole up and just have it flash. That's an option.

Commissioner Good stated that it should be noted in the minutes that this Comprehensive Plan has been worked on for months, and this hearing tonight was advertised on August 29 and September 5. Mr. Webb stated every comment that was made about the plan is included; it's all there for people to see. Commissioner Nowak stated what I like about it is that it shows future plans like an indoor pool, and some of the other things in there that could be done.

Mr. Webb asked if anyone from the public had any comments. Mr. Mike Uram stated he had looked at Comprehensive Plans from other states and municipalities and that he was impressed with what you have here. I know it's a working document because you can modify it as it goes on. I live in Stanley. I started looking at the population which is very critical. You have a very good luxury here that on weekends the population escalates and afterwards it settles down. When you look at people, when I come through here and I see people that are out here, it's how you move the people quickly, efficiently and as the same token you retrieve something very important; a monetary value of what they want to pay for things out here. How can you accommodate pedestrian movement in a plan?

Signage is very important and that's one of the things I didn't see here in this plan. What is the age bracket you are targeting? That's very important because the population of our country is not getting younger, it is getting older. You see what it's like in Rockingham County and Harrisonburg. I think this is one of the issues we haven't looked at in Page County.

Commissioner Good stated that we should also note that this was done with our staff. Am I correct, in the past we had consultants? Mr. Webb stated in 1993, the Planning District Commission completed the plan. Luray didn't do it again until 2006. There was a gap between 1993 and 2006. In 2006 we used a consultant and we paid about \$25,000. This time we did have a consultant, but more of a graphics lay-out person. I think we spent about \$5,000 total. When we put out our RFP for our plan back in 2006, we had proposals come back for people to do the plan and the highest was \$89,000 and the lowest was the guy who bid \$25,000. Commissioner Campbell stated from 1993 to 2006 it was a review in progress with no formal plan. That's typical of smaller communities with limited budgets.

Commissioner Good stated he thinks it's good to note that we did have our staff to do this not only from the money standpoint, but also by people who live here in our community which is a whole lot better than having out-of-town consultants do the work.

Commissioner Good made a motion that we recommend to council adoption of the Comprehensive Plan. Motion seconded by Commissioner Nowak and the vote was as follows: YEA: Commissioners Campbell, Hakel, Good, Malone, Nowak, Dofflemyer. **APPROVED: 6-0**

OLD BUSINESS:

Review potential changes/additions to the Town's sign ordinance.

Mr. Webb stated everyone has the sign ordinance excerpts he provided with his recommended changes. I know that Mr. Hakel had given me some documents regarding sandwich board signs, and I think Mr. Mayes had sent me something about exempting off premise signs altogether in the downtown district. I don't think that's really a good idea.

Commissioner Malone has a question regarding the exempt wording - does this mean you are exempt from having to get a permit? The way I read it, it says all the other requirements still apply. If off-premise signs are not allowed just because they are exempt, it's not exempting them from all the rules; just exempting them from having to go get a permit. I don't think that section is going to help you. Mr. Webb stated this issue was essentially about Mr. Mayes and I talked to him and he said he was going to remove it every day and he didn't. We eventually got a complaint, and it is very clear on the permit that he needs to remove his sign. He has been doing that and I hope he did it tonight.

Mr. Webb stated that he doesn't think we need to make a lot of changes to the sign ordinance; it's long and it's typical of a lot of ordinances. There are a lot of differences in area that you have to consider even in a small town. We have a pretty good ordinance, but I feel like we have been asked to do this and we need to probably make some sort of change. I went through it and read it and if there is something in it that is confusing or doesn't make sense, I have typed that in red.

Mr. Webb said what he did on page 2 - he had a request from the fire department and they would like to use an electronic sign. My thought here is that I think electronic signs are OK and I would just like to limit them to educational institutions, non-profits, etc. They could not be flashing, or scrolling. If you have a message, you might change it once a day like you would a changeable copy sign. Nothing against businesses; but I just don't think we want every business to have an electronic sign.

Mr. Chrisman stated that he was not in favor of any kind of electronic sign other than those currently allowed by the Code - for alternating time and temperature. How does the Town propose to allow one group of users to use these types of signs, but not everyone?

Commissioner Campbell stated as example usage of an electronic sign - if they wanted to change theirs on Wednesday to have a chicken BBQ on Saturday, and leave it up until the chicken BBQ, this would be permissible. Mr. Webb stated they could change the message maybe a couple times during the day; it just can't scroll. The PAL Center wanted to put one up on the side of their building, but it didn't meet the ordinance. They went with a manual message board like the Town's event sign. If the ordinance is changed, the PAL sign would also be allowed, but what we don't want to see is Hardees using one. The big difference is the PAL Center and the Fire Department were not a profit making venture so we are allowing them an exemption for an electronic sign, provided that it is not scrolling. Mr. Campbell stated if it was scrolling, traffic would slow down and make a hazard by reading that sign.

Mr. Webb asked does everyone think that this is OK logically for electronic signs or do you feel like they should not be allowed at all.

Commissioner Dofflemyer stated I guess my concern is we have PAL and two churches downtown; they would all be allowed to have electronic signs. Commissioner Malone stated it's not just the electronic signs though, right. The sign that has an area in it that's changing. Mr. Webb stated the key element is "incorporated in an element within another permanent sign." Commissioner Hakel stated the sign at Flotsie's; isn't that a changeable sign? When they change the flavors of the month. They would not be able to put an electronic sign up there based on the way we write it. They can keep that there but they would not be able to have an electronic sign. The electronic sign would need to be part of a permanent sign; the Fire Department has indicated to me that they want to build a foundation with the sign attached.

Commissioner Campbell stated you have to change a little bit with the times. Some of this is progress. Mr. Webb stated I agree with you; I just do not like basically the TV screen signs that change, scroll and flash.

Mr. Webb stated signs are frustrating because a lot of people don't even understand why we have a sign ordinance; it doesn't mean that they are right, but we try to be friendly to the businesses and as long as they get close.

Commissioner Hakel stated I am having a hard time figuring out why we would be opposed to trying to work with these people. Commissioner Campbell stated in the first place it is a violation as far as the number of signs an entity can have. They are already over signed. In some cases they are off-premises. Commissioner Malone stated that these are not an exempt sign. You have to go get a permit for it right? Is there a fee?

Commissioner Campbell stated sure. Commissioner Malone stated by them not coming and getting a permit, they are not paying the fees they should be paying. Mr. Webb stated we don't charge unless they are constructing a sign; that's something you have to get a building permit for; we don't charge for a sign permit and there's no fees. Basically they come in and say I'm going to put a sign here and if they have to get a building permit, they will have to get a zoning permit and things like that but there's no specific fee for a sign other than a zoning permit.

Mr. Chrisman indicated that there is a sign permit fee which can include the zoning permit fee, but that he disagreed with that concept. They are two separate services and should have two separate applications, fee schedules and permits. A fee should be assessed per sign and not per application.

Commissioner Nowak stated those sign that you are talking about; those wavy flag type things; those are fairly new and if it's not addressed in the ordinance, maybe we should address it. Mr. Webb stated they have become

popular and have popped up everywhere. Commissioner Nowak stated the Triathlon uses all kinds of them out there when they have the Triathlon. Commissioner Campbell stated that's exactly why we need it in here. Commissioner Nowak stated the BBQ place out across from McDonald's has three or four. Commissioner Campbell stated there are three at Shell. There shouldn't be three at any place according to the ordinance. Commissioner Malone stated he thought they fell under the animated signs because they move or appear to move. It says here under animated sign, included but not limited to propellers, discs; it seems to me that those open signs and whatever other ones it seems to me that's what this section was talking about. Commissioner Campbell stated it has to qualify for a flag. Commissioner Malone stated I guess we need a definition of what a flag is. Commissioner Hakel stated according to our definitions, it could be a banner. Commissioner Campbell stated as far as flags are concerned, they are not according to the ordinance either. The ones that hit you on the head when you walk under them; I'm only 5'9". They are illegal. They should be 7 feet above the sidewalk. Commissioner Hakel stated so in other words, according to our definitions, it could be a banner. Commissioner Campbell stated these are little things that need to be addressed in the ordinance. Flags are already addressed in the ordinance. What we are trying to do is get the ordinance so it is enforceable. This is where the argument started because it was not being enforced and they said it was stuff in here that was too generic that could be construed or interpreted several ways.

Mr. Chrisman stated that the various sections of the ordinance and Code must be designed for all current and potential future applicants, and for all current and future potential uses for parcels. The ordinance is not designed to be a collection of guidelines and suggestions for current owners, but a set of regulations and requirements for current and future community members in an effort to balance all aspects of the affected uses. Making changes to reward a current applicant can have significant repercussions down the road. Such decisions always seem to set precedents that other Commissions and Councils then may feel obligated to follow, and pretty soon the applied ordinances result in everything being gray and very subjective based on the personal opinion of whoever holds certain positions within Town government.

Mr. Webb stated that he will provide the ordinance sections to Commissioner Campbell and then he can tell me what needs to be changed in it, and then give it back to me. Commissioner Campbell stated you have to listen to council a little bit on these issues, because they are the ones that tell the Commission when we should examine items. Mr. Webb stated I have been looking at it for the last couple years and it comes up every few years. Mr. Mayes issue is the driver behind this. As far as the other items, I really don't think that there is a problem. They wanted us to look at the sign ordinance but in reality, the only issue that we have had was Mr. Mayes not moving his sign. He did move it originally. It was brought to council's attention about 1 ½ or 2 years ago and they told him he didn't have to move it, it was OK to keep it there even though his permit said he was supposed to move it every day. So we went two years and it just came up again. It first came up in 2006 and 2011 and now here in 2013. As far as the flags, I noticed the ones that go up. .

Commissioner Campbell stated he's the one that made the complaint about the current ordinance being unenforceable in many areas. Mr. Webb stated if he wants to do that, that's fine. He has the Code just like I do. I'd rather not operate that way because most municipalities don't operate that way. They are fairly lenient and as long as there is no danger and not too gaudy, I don't think it's a big deal.

Commissioner Malone stated when I was looking through it, I thought that there are some things that get confusing. I would like to have them clarified. It seems to me that overall it is written pretty precisely. In reading it and trying to think of what it was that Mr. Mayes was talking about, he is not looking for sandwich boards; he wants to have an off-premise sign directing people over to the Art Warehouse. He brought up a thing about we've got an arts and cultural district. There's nothing in here about an arts and cultural district and what could be in there regarding signs anyway. There is something in here about a business district, but the boundaries of the business district are not in here. Is he located in whatever the business district is?

Mr. Webb stated right, but what he was asking was that he be exempt from off-premise signs within that district. I don't think that's a good idea. You brought up a good point about the exempt sign ordinance. I don't think he should be exempt from having off-premise signs. The only way to have off-premise signs is have a sandwich board permit. Commissioner Malone stated the thing for the business district that's in here says you can waive any of that stuff. The only thing that you can't waive is the size of the sign.

Mr. Webb stated if you have other changes you would like to make, I would just propose what I have made to the Town Council. Again Clifton, as far as the banner signs go, that's enforceable. Commissioner Campbell stated Council asked us to take a look at them and that's what we are going to do. Mr. Webb stated unless you have something to add to what I have put in red or take out or add, I would suggest that we not do a whole bunch of changes that we just send it on. I don't think they are expecting a lot of changes and I told them there really wasn't a lot to change. Folks on the Council seemed to be OK with the situation now as long as Mr. Mayes is taking his signs up at night and I think the main problem has now gone away.

Commissioner Malone stated the wording on page 17 talking about signs in the business district, paragraph C and 802.3 is saying the administrator may authorize the waiver of the sign requirements for setbacks, spacing, number, frontage, height, area and type of signs within the business district. The business district thing makes me think that somebody is making a provision for the idea that something is going on that has to do with business in the area and it needs to be addressed in a certain way. Rather than spending a lot of time changing other stuff, let's find a way to put in our arts and cultural district, these are the types of signs that are OK here and if people thought it was advisable, then you could put a sign that directs you over to another place if it was off premise but it had to do with arts and cultural business. My other comment was that I think that I can't see where this needs a whole rewrite. I think what's here is good, but it doesn't take care of things that were not envisioned when it was written like how to promote the arts and cultural area. We are trying now to get into being a center for crafts people and that may be in the arts and cultural center as well but what do we do to promote that.

Commissioner Campbell stated this is what one of the council people has suggested to me. If we have that type district, then we have a single sign on each side of the light with an arrow and have all the business stuff on it. I notice that this sandwich board right over here has changed in the last week where there is a whole lot of extra stuff being put on it and it's not a directional sign. He's put six or eight things on that sign on both sides and it was not intended to be on there.

Mr. Chrisman stated that off-premises signs, generally, are used to direct people to a business or event at a different location. They are also used as reminders about special events. It may be prudent to consider examining the Code we have to remove ambiguities and insert sections to address the issues of today as well as tomorrow. Personally, I think the ordinance is far too complicated as it is written.

Commissioner Hakel stated I think Mark has a good point. I have noticed too that we have a section here on signs permitted by zoning districts. I can understand that, but maybe we ought to add a signing provided for the arts and cultural district and to that end in our definitions, put a historic directional sign that would be an arrow and a single line name and post that on appropriate utility poles, street signal lights or whatever but it wouldn't go on anyone else's sign; it would go on the public's sign. You would need a definition but you would also need a section that says signs by the arts and cultural center.

Commissioner Malone stated rather than try to redraft this to take care of the problem that seems to be unique only to the art work; people are not running in every day with a problem. This is taking care of almost every

situation we have except for this one. The one thing in there looks like it may have something to do with the type of business that he is in. Mr. Webb stated Larry it sounds like you are talking about a way finding sign system; sort of like a directory sign system. Commissioner Hakel stated it could be just like the town sign now that goes up to the chamber. This could be a special color just for arts and cultural so when people see it, they know these are arts and cultural activity that resides off Main Street and here's how to get to it. Mr. Webb stated it sounds like you are talking about a sort of directory.

Mr. Chrisman indicated that additional directional signs in public right-of-ways on town maintained poles and structures will create additional problems. Many of the utility poles, we don't own them. In addition, you have the extra visual pollution in our busiest street section which add distractions and clutter. What happens when these businesses close or change locations?

Commissioner Campbell stated that any kind of directory sign should not mention individual businesses such as the Art Warehouse; just list arts and cultural and put them in that direction.

Commissioner Hakel stated since we are trying to support arts and culture, I could see it say Art Warehouse, I could see say Trackside Theater with an arrow, but it would be just a narrow sign on a pole. It would be designed with a color that people would know to be on the lookout for that type of thing. Commissioner Dofflemyer asked where is the arts and cultural district? Mr. Webb stated it's probably almost a third of the town. Mostly all downtown from the Mimslyn to the shopping center.

Mr. Webb stated independent of a way finding system, which we have now, at the end of the day, the art guy wants to put two signs up where he has them now; Trackside is going to want to put up a sign when they are having performances, like they did today. No matter how much you talk about it; that's what they want to do. In their case, I don't see a problem in doing it; I don't think it looks bad or distracting. They take them down like they said they would, in this case every day. Commissioner Hakel stated I think enforcement is the key. I think if we had been doing that, this wouldn't have come up.

Mr. Webb stated we did tell him to take them down. When he left them up there for several weeks or more and they didn't come down, we told him you didn't live up to what you said you were going to do. The Council in 2011 said that's OK, you can do that. Things have changed and now they feel like they need to take it up. It's probably just a good policy.

Commissioner Campbell stated I have a question for the Commission. Do we need more time to study this or do you want to act on these recommendations tonight. We don't have to act on it tonight. We have permission from council to continue our study and whatever we want to do with the sign ordinance we should do now rather than come back in six months and try to do it again. Commissioner Campbell stated let's do something right. Mr. Webb stated my suggestion is to take what I have and I can try to work on it a little more and if you have any comments you can e-mail me. I think council is happy with the changes that have been made. There are not a lot but I don't think they were asking us to study it for months. I think they just wanted to add a few things to it especially sandwich board signs and just move on.

Commissioner Dofflemyer stated I think the really big thing to change here is to allow sandwich signs to continue if it's done right, and allowing the Fire Department to have their sign.

Mr. Webb stated there are a couple of small changes I have made but otherwise, I don't mean this with any disrespect; I don't want to over think it. As far as Clifton's concerns about the flags; I'm just putting my opinions in; I don't personally have a problem with it. You can't have everybody doing that, I understand. It's

really more of a code enforcement issue. If someone calls and complains and I happen to get the call back there or Bryan or Charlie, I will pass it along to the code enforcement officer but I'm not going to generate that complaint. Sometimes there are things that you see and obviously you know that they can't have that, you do report it but unless it is brought to my attention, we generally don't initiate enforcement of those things. I don't mean any disrespect of opinion on that Mr. Campbell; I'm just saying that's really their job and I have no problem with taking them down. I like to be flexible on those things; I know all these guys are all trying to get people in their business and they want people to come shop there. The antique guy back here; there are amazing antiques back there. He needs those little signs to make it. He is a super nice guy and he will do anything you ask. If I said take it down, he will take it down in a heartbeat. He really wants to get people back there; he needs it. I hope we can be flexible with people like that.

Commissioner Hakel stated your items in red; that would require a public hearing wouldn't it. Mr. Webb stated yes, all we have to do is simply say we are amending the sign ordinance and made a couple changes to these sections and set it up for a public hearing. We don't have to advertise the whole ordinance, just basically say this is what we have changed. I put it on line and people can see the whole document. Commissioner Hakel stated do you think there will be less people coming to that meeting than came to the council meeting to talk about Mr. Mayes problem. Mr. Webb stated it would be less people to come talk about the sign ordinance changes. I think the issue is with Mr. Mayes and it's just down to him living up to what he said he would do and it's not unreasonable to have him take them up every night. As he has said, he needs them bad to get foot traffic. He's always said that and if he really needs that, then he can find a way to take them down at night.

Commissioner Good stated he needs the traffic in order to make a sale. Since our last meeting, I have been in Williamsburg and in Colonial Williamsburg in the merchant's square area. There are sandwich board signs all along the street. I don't think we need to be on a witch hunt to go out and look at every sign and say its 6" too wide or 5" too tall; it's pink, or green, or it's blue. People a few years ago fussed about the theater because he painted it pink. Who cares? We have a theater in a small town of 5,000 people. He's been in business all these years and shows top rated movies and it's amazing for a small town to have that entertainment.

Commissioner Malone stated this guy needs to have an oversized sign so he can get people back to the antique store; this person here needs to have an erasable sign so they can put out their new menu every day; they need help. This other guy says I need help and something happens with him and now we're not going to do that. We really should be consistent.

Commissioner Campbell stated the thing is every business has an opportunity for a sign. Now they are coming back and want more. Every business on Main Street has a sign on their building or in their window. How much more do you want to allow and can we write an ordinance that controls that?

Commissioner Good stated we are aiming for the tourists now. We want those people to come here and go in that business and want them to leave their money to help pay the meals tax, the lodging tax. Back years ago we were the ones who came downtown. We went to Leggett's, H&H Store, Mr. Barton's music store across the street, and the barber shop that sat out here where the parking lot is beside the theater. We don't do that so much anymore; its people from Northern Virginia, D.C., the east coast; the whole country, the whole world. They all come here and we want them in our businesses.

Mr. Webb stated my main concern is to keep the signs looking fairly decent and up kept. Commissioner Campbell stated the sandwich board; it's not according to its intent. The intent was not to be primary signage off-site; it was supposed to be temporary directional signage.

Mr. Webb stated just tell me what you would like for me to do. I would prefer to send it on like it is. I can look at it a little more in the next month if you have any more recommendations. I feel comfortable in saying that I think if we send it with the few changes I have made, it is adequate for what we were asked to do by the Council. Commissioner Good stated would it be good if we went through each section that has a change in it.

Mr. Webb stated page 2 is simply saying that changeable copy signs can also be electronic provided it is incorporated to the element of another sign and the electronic portion will only be allowed for institutions and non-profits. Commissioner Hakel stated he would like to recommend a slight change to that if we are going to do it. On the second sentence where you said "such signs may be electronic" I say "provided that messages".

Commissioner Campbell stated right under that is Directional Sign. "An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way," or similar directional instructions but not including any advertising message. Not to exceed four square feet." On sandwich boards we refer back to and this can get complicated too.

Mr. Webb stated this directional sign is simply talking about the ones with those words on it. It's just that; it's not off-premises directional signs; it's just on premises and deals with those four situations. Commissioner Malone stated a directional sign is not Art Warehouse, four blocks over. Mr. Webb stated right, this is on premise. The first word is on premise so immediately I know it deals with on your little lot or your space, so I don't interpret that to be directional. Commissioner Malone stated on the one that Larry was paging, where it is provided that messages do not, there is another provided in there so where it says another permanent sign, it should say and further provided that the changeable copy, etc.

Mr. Webb stated on page 4 "Changeable copy signs" I just say remove "and where" and replace with "further provided".

On page 6 – Commissioner Hakel asked why did you change to 16 square feet. Mr. Webb stated this is for temporary real estate signs. I took residential and the other zoning districts would be business and industrial and I know that people in business will put up larger signs on a vacant piece of commercial property. I thought we should probably have it more reflective of what's realistic for this type of property. Commissioner Hakel asked is the underlined section to be removed or was that in there before? Mr. Webb stated I put that in there because it says after the sale it needs to come down. Commissioner Hakel stated 30 days seems to be excessive. Mr. Webb stated you don't always know when something is sold or not especially with a commercial piece of property. We can change it to a day after; it doesn't really matter. It's hard to know when something is sold or not. Commissioner Malone stated but a place has to be for sale or lease. Mr. Webb stated right. Commissioner Malone stated if we have warehouse space for lease, you finally lease it all up, then that sign has to come down. Mr. Webb stated correct. Usually the owner of a building who leases it, will take the sign down.

Mr. Webb stated and with Q I wanted to add "special sales events" because for festivals – this is really for auctions and people put auction signs up which are allowable. I thought 21 days before the event is kind of excessive so if you are going to have an auction you can put the signs up on private property for up to three weeks before. Generally they only want to do it at the most 3 or 4 days. Generally they want to do it at the most 3 or 4 days; the ones that call the office will say I'm having an auction sale at someone's estate, is it OK to put our signs up. I say sure, just put it up a day or two before the event and take it down the day of or after. I think 4 days, based on my experience talking to these folks that call auctions, four days before auction, the event or festival and two days after the event it comes down. Most of the time people who do events or festivals around town they will call and I'll just tell them if it goes up a few days before the event, be sure you take it

down and almost everyone takes their signs down. Commissioner Hakel stated why don't you strike the "out-of-town". Mr. Webb stated that's no problem.

On page 7 – I did change a little bit. I thought about on adjacent or nearby private lot, I put 500 feet from the business. I think Mr. Mayes' signs are about 500 feet.

4 and 5 are just simply to let them know that if you don't live up to your permit, we will send a Code Enforcement Officer.

Commissioner Hakel stated my question is on 2 and 3, why should the zoning administrator be able in the case of his where the zoning administrator gave him permission to do that, why should the zoning administrator waive everything of what it says. Mr. Webb stated it could be one, except that additional sandwich boards may be placed at the discretion of the zoning administrator. In his case for two, in that case we could just say you can have up to two. Mr. Webb stated whoever is the zoning administrator can elect to waive the requirement; I hope we just apply a little common sense.

Commissioner Malone stated I don't see any verbiage in here of what temporary means. The one that Jim got, that ran for 6 years. Mr. Webb stated we can take temporary out and put requires a permit. I think we had said before that a temporary permit and subject to an annual review. I think the word "temporary" could probably be taken out; "requires a permit and is subject to an annual review."

Commissioner Hakel stated in looking at a lot of the sandwich sign ordinances, it seems like a lot of them have liability insurance. They don't want the sign to blow down and injure somebody or damage property. Should we have an insurance liability required? Mr. Webb stated I guess it wouldn't hurt; I don't think it's totally necessary. Commissioner Hakel stated I took it that what they were trying to do is if somebody got hurt or somebody got damaged, they wouldn't come back to the Town; they would come back to the owner of the sign. Mr. Webb stated number 1 says that signs placed in a manner which is not impeding intersections or visibility. I don't know if we need to add have insurance. Mr. Webb stated I can put what you just said and the sign owner assumes all liability for the placement of the sign.

Mr. Webb stated I will go through it more and put a little more thinking into it but I really think if we send that along, we have accomplished what we were asked. I appreciate all your comments.

Commissioner Campbell stated the only thing on the directory sign; No. 5 on page 14. It says one up to four square feet. If you have several businesses on the sign, they need more than 4 square feet. The ones I have seen in parking lots, particularly in Culpepper and Harrisonburg; I would say they are at least 8 square feet. Mr. Webb stated I think we can double it.

Commissioner Malone stated something is not clear. What can happen in the business district, where the business district is, why you can waive everything and do just whatever you want to. Mr. Webb stated that's probably something any good zoning ordinance allows. If you want to take that out; that's totally fine. We will remove that section; you are right, what's the point in having it so you can waive everything. I didn't notice it until you pointed it out. What I can do is point that out to Town Council.

Mr. Webb stated before we amend any ordinance, I always make sure before we advertise for the Planning Commission that Council is well aware of what is being advertised. If they want to add or change something, they will have an opportunity to look at it.

Mr. Webb stated I will take the draft, mark it up and take it to Council and see what they want to do. Most likely we will have a public hearing in November. We don't usually meet in December.

Bed and Breakfasts Operation in a R2 zoning district (specifically Blue Ridge Avenue)

Mr. Webb stated I'll run this by Council in October and if they are OK with it, we will add the bed and breakfasts in R-2 but limited to Blue Ridge Avenue and Court Street. We will have that for advertisement potentially in November as well.

Commissioner Nowak made a motion to adjourn and was seconded by Commissioner Hakel. The meeting was adjourned at 9:08 P.M.

Bryan Chrisman
Assistant Town Manager

ATTEST:

DRAFT