

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
MARCH 17, 2010**

The Luray Planning Commission met on Wednesday, March 17, 2010 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
Peyton Baughan
Clifton Campbell
Larry Hakel
John Meaney
Mary Menefee
Sam McNeely

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Jason Spitler, 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 Campbell and seconded by Commissioner Hakel that the minutes of February 24, 2010 be accepted as presented. The vote was as follows: YEA: Commissioners Potts, Baughan, Campbell, Hakel, Meaney, Menefee and McNeely. **APPROVED: 7-0**

A motion was made by Commissioner Hakel and seconded by Commissioner Menefee that the minutes of December 17, 2009 be accepted as presented. The vote was as follows: YEA: Commissioners Potts, Hakel, Meaney, Menefee and McNeely. **APPROVED: 5-0.**

ADDITIONS TO AGENDA

There were no additions, deletions or corrections to the agenda.

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NEW BUSINESS:

Discussion: Regulations governing Electronic Offices & Home Occupations

Mr. Webb stated that electronic offices are something he deals with quite often. We get about 15-20 inquiries a year about electronic offices (working from the home). An electronic office is allowable in all residential zoning districts and not as many home occupations. He feels that as long as you don't have any regular customer traffic coming to your house, an electronic office is allowed in all residential districts. A home occupation office is allowed in R-3 and R-4 zoning districts. He looked at the definitions and made the recommendation that electronic offices are for professional services. Some electronic offices have some clients coming off-site and he has told people that as long as there is a minimal amount of traffic, there doesn't seem to be a problem.

Home occupation is similar to a home office but a little more expanded. To clear the definition you have professional services and administrative office support as well. He also set some parameters on hours of operation and the number of clients and traffic in a twenty-four hour period. He is also taking home occupations and putting them in R-1 and R-2 but by special use permit.

Commissioner Baughan stated that home occupation is allowable in R-3 and R-4 like a hair dresser. A hair dresser is completely dependent on the customers coming to that location for that business to operate. In an electronic office a lot of what goes on there is over the telephone and fax line, e-mail and computer, etc. and there is a minimal amount of face-to-face with a customer. If you run a small gasoline engine repair maintenance out of your garage in R-3 or R-4 as a home occupation, people have to bring their machines to be worked on and picked up. Home occupation could be something that takes raw materials and turns it into a finished product so you have raw materials being delivered and shipped. In an electronic office where they use UPS, FedEx and US Mail and computer e-mail, you are not actually bringing in raw materials and manufacturing something and shipping it back out. He thinks there is a difference between the two. For that reason we made the statement in the past that an electronic office would be allowed in R-1 and R-2 and other districts and the home occupation we would limit those and allowable in all zoning districts except R-1 and R-2 under the present rules.

Mr. Webb stated electronic offices are R-1, R-2 and R-5 and home occupations are R-3 and R-4. Commissioner Campbell stated an electronic office could be in any district and that's probably where we messed up; putting it in all residential areas. He doesn't think we had it spelled out. Mr. Webb stated the way he understands it, if you have a home office you can also have an electronic office. Commissioner Campbell stated home occupation has traffic in and out in R-3 and R-4. Commissioner Baughan stated a

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home office would certainly be allowed in the business district. He thinks the intention was that we would allow the electronic office in R-1 and R-2 as opposed to allowing them as a home occupation; we made that distinction because of the activity. Mr. Webb stated the intent here is not to combine the two into one; the intent is to keep them separated but also potentially adding the home occupation to give them a clearer parameter when it comes to traffic. Commissioner Baughan asked Mr. Webb how many requests you have for a home occupation to become available in R-1 and R-2 in a year's time. Mr. Webb stated since he's been here, there are maybe 4 or 5. Commissioner Baughan stated we are pretty much in our minds saying R-1 and R-2 is your better residential and distinguished probably only by lot size. The activities in R-1 and R-2 are similar and the idea of allowing a home occupation, he is not in favor of, although he could see allowing as we do the electronic office because if done properly, you can't tell there's an electronic office going on in that residential area. This proposal seems that we are going to consider whether we would allow home occupations in R-1 and R-2 as a special use.

Commissioner Menefee asked Mr. Webb what the applicants sought to do. Mr. Webb stated during tax time having a few people come to you. He stated that's what a special use permit is - you can limit it. Yes, you can do it out of your home but you cannot have over X number of people coming to your house a day. Commissioner Campbell stated he thought we were opening up something that is unnecessary. We are pretty solid with what we have and if we go messing with it, then we are leaving some loop holes there that people can play with; right now they can't.

Commissioner Hakel stated it was interesting when he tried to get a business license in 1990. He was told he couldn't. However, if I wanted to get a post office box, then they would give me a license. Commissioner Campbell stated that was before we had anything in the ordinance concerning that.

Commissioner Baughan stated you opened up a situation. For example, Fran's Bookkeeping. You want that in the residential section. She is in the business section; she has adequate parking, has a lot of customers, does tax work for the April 15 deadline and is very busy and there is a lot of coming and going. Is that something you want to allow in your residential district - R-1 and R-2? He thinks that's a little over the top. John Mrotek is a CPA and has an electronic office. He meets occasionally with a customer at his home; he does a lot of work on the computer and he's sure he uses FedEx and the US mail. You can't really tell he runs anything over there except a residence. There's not that much activity there. To him that is the true meaning of an electronic office. You get into opening Pandora's Box when you say yes, we will do it with a special use and somebody comes in here and says I want to be a hairdresser. That's a home occupation. Why won't you consider me? You let so and so do it as an accountant. What's the difference between an accountant and a hairdresser? You get into eight customers a day

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coming to the home with traffic coming in and out, is that what you really want in your R-1 and R-2. If you don't mind that, then fine, but in his mind that is an activity that is just a little bit over the top for the R-1 and R-2 district. If you told him somebody was going to run an electronic office and he's going to have twelve customers a day coming out there to him, then he is going to say he's not an electronic office, it's a home occupation. He thinks we need to keep the distinction between the two. Commissioner Campbell stated he thinks we need to leave R-1 and R-2 alone.

Commissioner Meaney stated just so he can understand; it's not that you are an accountant you could not control this thing without a special use permit but like granting a special use permit we could open up a lot of time, effort, and money. Commissioner Baughan stated you get into an area where now you have to make judgments on the special use permit for activities that he would just as soon do without. Do you want to hold up this situation or would you rather say R-1 and R-2 where no commercial activities to this point have been allowed. If you get enough requests from people from this area who all want to open up some sort of home occupation and you want to take an area that traditionally in R-2 and say most of the neighborhood over there wants this and the rest of them don't object to it, instead of R-2 we will call them R-3 and then it will be allowable. It's been done before. A prime example is S. Court Street. We now have bed and breakfasts because a majority of people up there wished it to be and the others did not object to it, and they have the big homes up there. It made sense to let these become bed and breakfasts and it promoted tourism, so they did it, but they did it by region. They didn't go up there and say you can do it by special use permit in the middle of the neighborhood. It got to the point where the whole neighborhood said we are in favor of it and enough of them wanted to do it and it promoted the general welfare of tourism in this town. Commissioner Campbell stated we would do it on another historical street if it was so requested by enough people – Cave Street is a good example. If someone on Cave Street comes in and wants a bed and breakfast, we will open that up for discussion because it is in more of a historical section. R-1 and R-2 still needs to be protected. This is the only thing left that the people with businesses haven't taken over.

Commissioner Potts wanted a sense with the group here - is there anybody looking to add R-1 and R-2 for home occupations. He asked Commissioner Hakel and Mr. McNeely and they were not and Commissioner Potts stated he was not. He thinks that pretty well answers that question.

Mr. Chrisman asked if he understood that both of those activities are currently allowed in B-1 by right. Commissioner Campbell stated yes, because anything that's allowed in the B-1 district - Commissioner Baughan asked that Mr. Webb tell him – he doesn't know that it is written in B-1 that electronic offices are allowed but that activity in itself

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would be a commercial activity and therefore be all right for a B-1 district. If you want to clarify some and say the electronic offices where you allow it, I'd allow it in R-1, R-2, R-3, R-4 business. Commissioner Campbell stated he thought we ought to leave the home occupation out of R-1 and R-2. If you want to clarify some language there, that's fine. Mr. Webb stated when it comes to electronic offices, part of the definition of home electronic offices and home occupations as part of the definition to amend, we could add to it the professional service and administrative support to both definitions because they are very general but he thinks they would be helpful. For electronic offices you could say client visits not to exceed three in any given 24 hours. He looked at three as an appropriate number and if you did have some traffic coming to your home for whatever reason, you could not exceed that. As of now, I just basically tell people just as long as you don't have continuous traffic; you have an occasional client, it would be OK. For professional services to limit it to 10 in a given day. We have both of these in town.

Commissioner Potts stated he doesn't see at this time taking up either one of them and the primary reason is invariably you set something in writing, then you have somebody coming back to point at it and pin you on it. Today you are not getting any complaints about it; we're not responding to the public sentiment or anything that's been sent to us by the Council to take action on and he doesn't see taking up either one of them and advertising that 10 visits or less at these home occupations and then have somebody coming in saying they had 11 cars in there yesterday, what are you going to do about it. We are already a year into trying to do something about the signs because of enforcement issues which drew it originally to our table. He doesn't see taking this up at this time banning what becomes an enforcement issue.

Town's Sign Ordinance

Mr. Webb stated he went down the 29 corridor and took a few pictures the other day and he is hoping that this will help us move forward with this. He went back and looked at the one letter he received and the only problem the person had was that regarding the pole signs, they felt 25 square feet was too small. He changed it back to 32 square feet. It was 25 and 16 and now it's 32 and 25. In response to that one criticism, we will go back to 32 and 25. We are still going to bring the height down to 25 and 20 and going to require a foundation to be 2 feet.

Projection Signs – No change with those. He doesn't think that's really an issue with Council or the public.

Wall Signs – The only thing he felt that could be changed was *“Request for size increases shall be submitted to the Town's Zoning Administrator to be reviewed and approved by the Town's Planning Commission; such request shall be accompanied with a*

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brief narrative and visual renderings". If they want a bonus, they bring the renderings and narrative to this body and it could be approved. He can work with Jason on this to get the language. Generally in ordinances, you don't want to leave things really open for a lot of interpretations but he thinks that most of the time people want to be fairly reasonable and he put in there for the size bonus "*Applicants are encouraged to mimic design and color schemes similar to Luray's existing wayfinding signage, but size increases are not limited to mimicking wayfinding sign design standards. It is believed that other aesthetically pleasing materials and colors would be appropriate*". So basically, submit your proposal for your bonus increase to us with your renderings and your narrative and we will review it. We might find a better way to say that before it is advertised. One of the criticisms was that you are really narrowing – you have to have this color for retail, this color for restaurants – he thinks just bring us a nice proposal and we'll make a judgment. e) could be deleted because it is really going to be approved by the Planning Commission.

Monument Signs - He didn't make many changes. If anyone wants a size increase, come to the Planning Commission. We recognize that having an aesthetically pleasing sign, it could be a lot of different things; we just need to bring it to the Planning Commission to be approved. Commissioner Campbell stated most of this comes from their first visit asking for a sign. If this is introduced properly at the time, then the problems are minimal. Commissioner Hakel stated he thought what was proposed reads much better than what was there before.

Mr. Webb stated the plan is at the next work session which is next week, take this to the Town Council and we would like to see this advertised probably in May. Commissioner Menfee asked if the Council's main concern was that you get feedback from the different sign companies and then addressing that. Mr. Webb stated he thinks their concern is that one person is going to oppose it. We are starting to enforce it as to non-conforming and non-existing businesses. We are going to continue to try to enforce some of the existing rules and hopefully these changes will pass.

Commissioner Baughan stated that it is his understanding that what you are proposing is that rather than insisting they conform to your color code, as long as they bring a rendering of what they want to do as deemed by the Zoning Administrator and the Planning Commission to be an attractive sign, then they gave the size advantage just as if they conform to these colors. He thinks that is a wise move, because you have a lot of national brands. The suggestion he would have to this ordinance the way is written, without getting the upgrade or conforming to some other color scheme you would be limiting 25 square feet on a 100 foot building. It's out of proportion with the building. There is something to be said for proportion and he thinks the old ordinance which set it

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at 60 square feet maximum and 1 square foot per linear foot was pretty well balanced. You could say that there are some signs out there that are just plain ugly.

Commissioner Meaney asked what delivered this to our table initially. Commissioner Potts stated it was enforcement of the existing sign ordinance and when you read and try to make sense out of what is in the zoning, it is impossible to tack down.

Mr. Webb stated as he makes these amendments, he may find other amendments need to be made just to make them a little more understandable. Commissioner Potts stated along that line, the wording on "*Applicants are encouraged to adopt design and color schemes similar to Luray's existing wayfinding signage, but size increases are not limited to Luray wayfinding design standards. Applicants are encouraged to propose aesthetically pleasing signs and to demonstrate the aesthetic contribution of the proposed sign*". He will give this to Mr. Webb after the meeting.

Mr. Spitler stated if you refine it as Mr. Potts has suggested, the last two sentences is all you need there. The only other comment he would have is concerning monument signs in Section B – "*The foundation shall be a minimum of 2 feet in height above the ground*".

Mr. Chrisman stated on Page 5 Examples of Wall Signs, the note says "*These wall signs would conform to the new standards, ...*", but those are new, currently made signs.

Commissioner Baughan stated you might give some consideration before you ask for a foundation of 2' high as to what the overall size of the sign is. You make the point in your picture that the one of the Victorian Inn probably would not pass our new ordinance because it doesn't have a foundation. It is a completely attractive sign; and in his opinion doesn't need a 2' foundation because it is not that large a sign. You may arrive at some size and once you exceed that, you are looking for the 2' foundation.

Mr. Spitler stated just a few other thoughts. He is assuming the intent in Section 4 Maximum Size behind the 25 square feet was to allow for a 5 x 5 sign which would seemingly require 7' in height if you are going to require a 2 feet foundation. In addition, he doesn't know if it has been contemplated that we would be talking about some type of height bonus in relation to the size increase. Mr. Webb stated we said 6 but he thinks we should go to 8. Commissioner Baughan stated there are different configurations to get to 36 square feet.

Mr. Chrisman stated illumination is a big issue also. We have gotten some informal comments from sign manufacturers and he thinks it's important that this group and the Council take into consideration these comments and take them with a grain of salt

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because there is a conflict of interest there from folks that manufacture. Mr. Webb stated the County is interested in adopting a sign ordinance. Mr. Chrisman stated lighting was an issue that a couple Council people talked about with him. There are certain wall mounted signs that have better features as a back lit or an internally illuminated sign versus something with a spotlight shining on it. Maybe that's something you can add. Mr. Webb stated just add illuminating external and internal as approved. He can make those revisions and take it to the Town Council next week and hopefully we can advertise this and have a public hearing in May.

Commissioner Potts asked for a motion to recommend adoption with the modifications we have told Mr. Webb to make to the Town Council for approval. A motion was made by Commissioner Hakel and seconded by Commissioner Campbell. The vote was as follows: YEA: Commissioners Potts, Hakel, Baughan, Campbell, Meaney, Menefee and McNeely. **APPROVED: 7-0**

Commissioner McNeely stated that Mr. Webb is to be commended for the work he has put into this.

There being no further business for consideration, a motion was made by Commissioner McNeely and seconded by Commissioner Baughan to adjourn the meeting. Meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
