

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
April 16, 2014**

The Luray Planning Commission met on Wednesday, April 16, 2014 at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia at which time there were present the following:

Commissioners Present:

Clifton Campbell
Larry Hakel
Ronald Good
Brian Sours
Grace Nowak

Absent: Mark Malone
Jerry Dofflemyer

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner

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

APPROVAL OF MINUTES:

Commissioner Hakel moved that the minutes of March 12, 2014 be approved as presented. Motion seconded by Commissioner Sours with the vote as follows: YEA: Commissioners Campbell, Hakel, Good, Sours and Nowak. **Approved 5-0**

NEW BUSINESS:

SUP14-1: Commissioner Campbell stated that Shen-Paco Industries has withdrawn their application to operate a general retail/thrift store at their existing location. Mr. Webb stated I actually encouraged them even though they decided they didn't want to do it right now. I said since you have already paid for an ad why don't you just go ahead and do it anyway and get it approved or not approved. He said he just didn't want to do it.

MINUTES
APRIL 16, 2014
PAGE 2

OLD BUSINESS:

Review: Proposed Changes to Town Sign Ordinance (Reflects revisions discussed at March's Meeting)

Mr. Webb stated I had my notes from last month and I put the changes in red from my notes that we talked about, so hopefully I did make the changes and I believe I caught all that we discussed last meeting. The items that are highlighted in yellow are changes from what's on the books now.

Mr. Webb went through the sign ordinance with the changes. On page 4 (g) Mr. Chrisman stated he thought the sign permit was required for public events and festival signs but that the public signs, including traffic, utility, parking, directional and identification signs were exempt without a permit, is that correct? Every time the Public Works Department puts up a new street sign, are they going to get a sign permit from you? I was just trying to make the differentiation. I thought the intent was that public events and festival signs would require a sign permit from the town but that other public governmental signs would be exempt without a permit of any kind. Mr. Webb stated that's a good point. Thank you. We'll put that back into the exempt sign.

Commissioner Hakel stated on Page 4 again on Sandwich Signs – Weren't we going to say a sandwich sign could also be a T sign. Mr. Webb stated, thank you, that's another one that I didn't put in. I'll put in, it can be a T frame as well.

Commissioner Good stated I thought when we had this once before we said they could be within 500 feet of the business. That's gone now. Mr. Chrisman stated I think the majority of council is going to lean towards approval of the language that's here now. Mr. Chrisman stated I think the video shows the difference between the liberal use of signs and the more conservative use of signs. I was going to advise that we get Mr. Good and Ms. Nowak and let them review that at their leisure.

Commissioner Hakel stated I like it the way it is written now. At least at the corner there's really adequate space besides the sidewalk to have down that corner. Commissioner Nowak asked about the new signs that they have like butterfly signs or whatever they call them. They are all over. Mr. Chrisman stated Mr. Malone brought that up and I believe he has recommended that they be put in the animated section of the ordinance because the wind blows under them. Mr. Chrisman said Ligon, is it true that they are allowed to have one flag style sign of a certain size that is open or they can fly a U.S. flag in front of their business. I don't think they can have both and they can't impede pedestrian traffic on the sidewalk but there is a certain size. Mr. Webb stated I think it is in there somewhere. Commissioner Hakel stated I think they are so

MINUTES
APRIL 16, 2014
PAGE 3

distracting that you can lose your intention on the road. Mr. Chrisman stated I think that's why Mr. Malone had indicated that they should be an animated sign because they are fluttering in the breeze. Like those air inflated figures; those things are designed to draw your eye. Mr. Chrisman stated I think there is a section in here somewhere that allows a business to have an open flag of a certain size that says "Open" provided that the flag does not impede pedestrian flow.

Mr. Webb stated I think "pole flag" sounds like it is. I'll look it up and see if there's a definition for it somewhere. If not, we can make one up and make it something that needs a sign permit and then say for grand openings not to exceed so many days, must come down.

Commissioner Nowak stated on page 9 under 3.b. it says pole or monument signs, now is that what you mean? Mr. Webb stated no, that's actually in the ground pole. Mr. Chrisman stated I think if it's not in there Ligon, we need to designate under the flag section a size because some of them are getting really big and it would be an issue but the animated signs on page 2, 801.5 Article (e) specifically says that flags are not prohibited when we would need to allow them in certain circumstances with certain sizes for certain periods of time whether it be a U.S. flag or a grand opening, pole flag or something like that. Commissioner Hakel stated and we need to have a definition to define a flag as a U.S. state versus a pole flag. Mr. Webb stated 801.5 says animated signs are prohibited. Mr. Chrisman stated except it says shall not apply to flags. Mr. Chrisman stated we need to change that section if we are going to allow them on a limited basis. Commissioner Campbell stated I think it would be fair if we could allow it on a limited basis. Mr. Chrisman said and for a certain period of time, certain size, good repair, X number of days from your grand opening. I think there is a way of making them useful as an economic tool for a limited period of time so maybe we can come up with something there.

Mr. Webb stated on page 7; one big change there. For damage or destruction of nonconforming signs we changed "determined by the local building official" as opposed to "by a sign contractor or manufacturer". The state has rules that protect a lot of these large signs. Commissioner Hakel stated looking at that billboard that you were talking about; that is a monster. Mr. Chrisman stated under that section, when you were doing your research, I had in mind that the last time we talked about maybe looking to see if we are able to use instead of 50 percent of the appraised value we were able to use 50 percent of the actual structure that has been destroyed. If they had a billboard that was 20 X 40 and more than 20 X 20 of it was destroyed by a natural disaster or something like that, as determined by the building official, then it would have to come down. Rather than use a value, use the size of the thing. If more than 50 percent of the whole thing is destroyed. Mr. Webb stated I will change it at Bryan's suggestion and will also keep it at the building official. On page 13 we removed the section on "variances to certain sign regulations not permitted".

MINUTES
APRIL 16, 2014
PAGE 4

Mr. Webb stated what I can do is make those few changes that we have talked about now and we can either look at it one more month or we can send it on to Town Council. There's no rush so maybe we could come back one more month and look at it. July or August might be a good time for them to look at it. Commissioner Nowak made a motion that we go ahead and send it on to Council with these changes. Motion was seconded by Commissioner Hakel and the vote was as follows: YEA: Commissioners Campbell, Hakel, Sours, Nowak. NAY: Good **APPROVED 4-1**

Continued discussion regarding Town Historic District/Architectural Review Board.

Mr. Webb stated he did a little more research and I feel pretty comfortable that as we had discussed in the past that members of the Planning Commission could concurrently serve on an Architectural Review Board. It would be a separate board and separate appointment and separate approval process and be nominated by Town Council members. Commissioner Hakel asked would you have to submit two different forms annually. Mr. Webb stated that's a good question. Probably not, just put Planning Commission/Architectural Review Board. The rules do not preclude Planning Commission members serving on other bodies. I think that's the easy part. Now is the next part and I guess with time the Planning Commission will have some changes that could be happening. In a few months we can move forward and we can get people to come talk to us about it and their experiences. Again the ordinance is what you make it. You can make it as restrictive or as narrow. There would be some review over demolition and new construction like new structures built in the district would also have some review as well. The most important thing is I think we can use this board and the second thing is to determine how you want to write the ordinance. I think a majority of Town Council would support a limited Architectural Review Board with a limited focus. I know the Mayor is kind of worried about it, but I think most of them see a value in it. The first mechanism of appeal is to the Town Council. You can make a decision as ARB and it's immediately whether you are yea or nay so it really falls in the lap of the Town Council.

Mr. Chrisman stated one thing that Commissioner Nowak asked about meeting before last was looking at the definition of our zoning ordinance between clearly defining transient lodging versus non-transient lodging. That's something we probably need to look at in conjunction with the building official and the health department. I was going to recommend that Ligon and I make time to meet with those folks and look at our ordinances now in terms of whether it differentiates between those two and if not, how we want to do that. Get their advice before bringing something to the Planning Commission. I do see the value in being very clear that facilities are either intended for transient occupants or non-transient occupants which would be residential and the mixing of those two from a business perspective is also a lot more difficult for us as a town to track business licenses, to do enforcement on nuisances and ownership of property and things like that. Commissioner Nowak stated I think if people come into town and are at a facility and they have a bad experience, that's not good for the economy. If we have it in our ordinance then

MINUTES
APRIL 16, 2014
PAGE 5

both the health department and the building official can assist our code enforcement officer in taking action at those facilities. In fact, what we can actually do is not issue a business license. You're either one or you are the other and we are going to license you that way. If we find that you are operating differently from your business license, then we will revoke that license. There is a housing need out there for low to moderate incoming housing but I think that's better filled by other residential applications than it is converting our hotels and motels into basically apartment complexes and trying to do both. We will get together with those folks and maybe come up with something and bring that back to the Commission at the next meeting.

There being no further business, the meeting was adjourned at 7:35 P.M.

Bryan Chrisman
Assistant Town Manager

ATTEST:
