

MINUTES
PAGE COUNTY PLANNING COMMISSION
January 9, 2018

Members Present

Bernie Miller, District 1	Steve Atkins, District 2
Donnie Middleton, District 2	Keith Weakley, Vice Chairman, District 3
James Turner, District 3	Duane Painter, District 4
Jonathan Comer, Chairman, District 5	Craig Lancto, District 5

Members Absent

Paul Otto, District 1	James Holsinger, Secretary, District 4
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Staff Present

Tracy Clatterbuck

Call to Order

Chairman Comer called the January 9, 2018, Page County Planning Commission regular meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00p.m. The call to order was followed by *The Pledge of Allegiance* and a Moment of Silence.

Adoption of Agenda

Mr. Miller made a motion to approve the agenda as presented. The motion was seconded by Mr. Atkins. The motion passed unanimously.

Public Hearing

A. Herbert & Elizabeth Karp Rezoning

Ms. Clatterbuck read the following staff memo: David Reed, Esquire, on behalf of Herbert & Elizabeth Karp, have filed applications to rezone the following properties:

- 1) Property located off Kibler Drive (across from 170 Kibler Drive) and further identified by Tax Map Number: 30A2-(3)-1, containing 3.870 acres; and
- 2) Property located off Kibler Drive (across from 170 Kibler Drive) and further identified by Tax Map Number: 30A2-(3)-2, containing 1.75 acres.

The applicants desire to rezone these currently split-zoned properties (Agriculture and Residential) to Agriculture (A-1) only. According to the rezoning application, the property identified by tax map number 30A2-(3)-1 (3.870 acres) currently has a barn that was converted to a rental cabin residence and wedding venue. They are proposing no new construction at this time.

It should be recognized that there are no records in the Page County Planning and Community Development Office or the Page County Commissioner of Revenue's Office to show that the wedding venue has been operating legally. While the applicants do have a business license for the rental cabin residence, that does not include licensure for the wedding venue. It should also be recognized that in the Agriculture (A-1) zoning district, adopted by the Board of Supervisors in February 2017, banquet and event facilities are only permitted by special use permit. Staff has determined that should the applicants desire to continue operating the wedding venue, a special use permit application would be required. The determination regarding the wedding venue is currently being appealed to the Page County Board of Zoning Appeals. This matter has nothing to do with the rezoning request and shall not affect the decisions of the Planning Commission in regards to the rezoning of the property. Staff merely felt the need to point this out to the commission because the use was noted on the rezoning application

by the applicants. According to the rezoning application, the other property identified by tax map number 30A2-(3)-2 (1.75 acres) will have no new construction at this time, and will continue to be used for agricultural purposes and other uses currently in place. According to the real estate records, this property has a dock at the rear of the property that is adjacent to the Shenandoah River. The applicants have communicated with Nick Black at the Page County Health Department and David Atwood at the Virginia Department of Transportation, both of whom have returned no objections to the rezoning requests. The applicants have also reached out to Don Williams, Page County Building Official for comment. Mr. Williams has noted he has no objections to either of these rezoning applications; however, he does have questions on how and when the barn was converted to a wedding venue. He has informed the applicants that he will require an engineer's report on the barn as there are no records of permits or inspections for the conversion of the wedding venue. This determination is also being appealed to the Local Building Code Board of Appeals and shall not affect the decisions of the Planning Commission in regards to the rezoning of the property.

The properties that are adjoining and adjacent to these lots are zoned as Residential (R-1), Agriculture (A-1), and Woodland-Conservation (W-C). Egypt Bend Subdivision is to the west of these properties and Riverview Estates is to the east of these properties. See attached maps for reference. Adjoining and adjacent property owners were notified in accordance with § 15.2-2204 of the Code of Virginia. As of the date of this memo, no comments have been received. These properties qualify and are enrolled in the land use tax program. There are no fiscal impacts as far as the rezoning requests are concerned. Staff recommends approval of the rezoning requests to the Page County Board of Supervisors.

Chairman Comer opened the public hearing at 7:04 p.m. Mr. David Reed, applicants' attorney, noted he was present for any questions related to the rezoning request. Chairman Comer closed the public hearing at 7:05 p.m.

Commissioner Miller asked if adjacent properties were zoned residential, which Ms. Clatterbuck confirmed. Mr. Reed noted that Riverview Estates and Egypt Bend Estates surrounded the properties.

Commissioner Lancto made a motion to recommend approval to the Page County Board of Supervisors (BOS) on the rezoning request for properties identified by tax map numbers 30A2-3-1 and 30A2-3-2 from Agriculture and Residential to Agriculture only. The motion was seconded by Mr. Weakley. The motion passed by a roll call vote of 8-0.

Citizen Comments on Agenda Items

None

New Business

A. **Commission Reappointment Update**

Ms. Clatterbuck thanked the members that were successfully re-appointed for serving another term.

B. **Approval of Minutes- December 12, 2017**

Mr. Lancto requested the following changes: On page 2, the first full paragraph after #7 ends with "and", and on page 3, under Violations and Penalties Ordinance Amendment, second paragraph, second sentence should be amended to read, "Mr. Lancto pointed out that it said they could be subject to the penalties, not that the penalties shall be assessed." Mr. Weakley made a motion to approve the minutes as amended above. The motion was seconded by Mr. Painter. The motion passed unanimously.

C. **Sign Ordinance Amendment Discussion**

Ms. Clatterbuck requested that the commission set up a sub-committee to review and discuss the proposed amendments to the sign ordinance. After discussion, the sub-committee members were appointed as follows: Mr. Painter, Mr. Lancto, and Mr. Middleton. Ms. Clatterbuck asked if citizens could sit in on the sub-committee discussions and the commission confirmed. Chairman Comer requested staff send a copy of the model code sent by legal to the full commission prior to scheduling the first sub-committee meeting.

Unfinished Business

A. Animals in Zoning District Update

Ms. Clatterbuck explained that the amendment the commission had worked on was introduced to the BOS. Several supervisors had numerous concerns about the proposed amendment. They decided not to take it to public hearing. Instead, a sub-committee was set up to discuss the issues/concerns further regarding the proposed draft. The sub-committee consists of Mr. Larry Foltz, Mr. Jeff Vaughan, Mrs. Amity Moler, Ms. Regina Miller, Mr. Nathan Miller, Ms. Tracy Clatterbuck, Mrs. Becky Smith, and another person that Mr. Foltz has stated is willing to assist that is familiar with these issues. No meeting date has been scheduled yet.

B. Violations and Penalties Ordinance Amendment

Ms. Clatterbuck provided the commission with the most recent draft discussed. She explained that she had spoken to Mr. Nathan Miller, County Attorney, regarding the following concerns expressed by a few of the commissioners: 1) If civil penalties are adopted, do they have to be implemented on the first notice of violation? Mr. Miller stated they do not have to be implemented on that first notice of violation. The code reads that they are "subject to." That means if the county pursues the matter those specific civil penalties can be assessed. 2) Currently, staff sends three notice of violations when a violation is discovered. The first through regular mail, the second by certified mail, and the third is posted by the Sheriff's Office. To address the concerns from a few commissioners, including implementing a civil penalty on the first notice when the violation is discovered, staff asked Mr. Miller if the notification process could be included in the code amendment. Mr. Miller replied that the detailed process could be spelled out in the proposed code.

After discussion among the commissioners, it was recommended the proposed draft, to include civil and criminal penalties, be scheduled for public hearing. If the commission decided to remove the civil penalty section they could do so at the public hearing. Ms. Clatterbuck noted the draft would need to go to legal for review first.

C. Zoning Committee Report

None

D. Comp Plan Committee Report

None

E. Subdivision Committee Report

Mr. Weakley provided the commission with a draft of the items the sub-committee has been working on. He reviewed the proposed changes being discussed by the sub-committee.

Open Citizen Comment Period

None

Chairman's Report

None

Clerk's Report

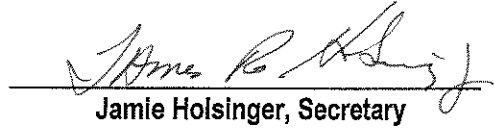
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None

Adjourn

Chairman Comer adjourned the meeting at 8:25 p.m.


Jonathan Comer, Chairman


Jamie Holsinger, Secretary