

**MINUTES
LURAY PLANNING COMMISSION
AUGUST 13, 2008**

The Luray Planning Commission met on Wednesday, August 13, 2008, 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. Chairman Tom Potts presided and opened the meeting.

Commissioners Present:

Tom Potts
Clifton Campbell
Peyton Baughan
Larry Hakel
John Meaney
Mary Menefee
Sam McNeely

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Leroy Lancaster

APPROVAL OF MINUTES OF WORK SESSION ON JULY 16, 2008 AND REGULAR MEETING ON JULY 23, 2008

There being no additions or corrections to the minutes of the Work Session and Regular Meeting, a motion was made by Commissioner Campbell and seconded by Commissioner Baughan that the minutes be approved as presented. The vote was as follows: YEA: Commissioners Potts, Campbell, Baughan, Hakel, Meaney, Menefee and McNeely. **APPROVED: 7-0**

PUBLIC HEARINGS:

RZ08-2, Delton and Desiree Anglin: Request to rezone two M1 (Industrial) zoned parcels to R3 (High Density Residential)

Mr. Webb stated that this public hearing is to request rezoning of two parcels totaling approximately 0.31 acres from M1 (Industrial) to R3 (High Density Residential). Presently a single-family dwelling is located on each parcel. The applicants are requesting that the parcels be rezoned because they are attempting to sell the properties, and the lending institutions for prospective buyers have expressed reservations due to the parcels' industrial zoning designation as M1. They are requesting that they be rezoned to R-3. The parcels are adjacent to residentially R3 zoned land. The subject parcels have been utilized for residential purposes for many years and rezoning the parcels from M1 to R3 is not expected to negatively impact the

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surrounding areas. The primary question is whether there will be any impacts on surrounding properties. Mr. Webb indicated that he concurs with the requested change. Rezoning the parcels from M1 to R3 would fulfill the Comprehensive Plan's objective to maintain that zoning reflects actual use.

Commissioner Potts asked about the access, and was told there was a right-of-way from Mechanic Street.

Commissioner Campbell stated that the lots should conform to R3. We should have a plat on it with the sizes of the houses and setbacks of the houses since it is going to residential rather than business. Commissioner Campbell stated the square footage of the two lots is not big ~~enough~~ (enough) (the required 14,000 square feet total). Commissioner Baughan was concerned about impacts on neighbors. Commissioner Menefee asked if the primary reason we would be looking at rezoning is to conform ~~with~~to the Comprehensive Plan, or is there a special use permit option for the applicants to follow?

Commissioner Campbell asked if the same person owned both houses, and was told yes.

Commissioner Menefee asked what is the feeling of surrounding property owners. Mr. Webb stated he sent the letters out and no one has called.

Leroy Lancaster stated he was concerned because if it changes, it somehow might affect him. Mr. Webb stated that it was his opinion that there would be no impacts on him.

Commissioner Baughan stated that a plat showing the houses, the setbacks and the right-of-way would be helpful in determining compliance with R3 zoning, and would assist the Commission in making up their minds.

Commissioner Campbell stated he would like to have a plat, and for the Commission to continue this public hearing until the next regular meeting. Mr. Webb asked Mr. Anglin if he had a survey. Mr. Anglin stated he didn't have a recent survey; he had an older one.

Commissioner Potts opened the public hearing. There being no one from the public to address the group, the public hearing was closed.

A motion was made by Commissioner Campbell to table this request until we get a survey, find the exact setbacks and reconvene in September to look at the issue with adjacent property and if it is going to affect that as far as the requirements between residential and industrial. Motion was seconded by Commissioner McNeely and the vote was as follows: YEA: Commissioners Potts, Campbell, Baughan, Hakel, Meaney, Menefee and McNeely. **APPROVED 7-0**

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NEW BUSINESS:

Preliminary Plat Submittal: Habitat for Humanity, Hilltop Lane

Mr. Webb stated that the subject property is zoned R3. They are proposing to subdivide this property into six total lots but there would actually be three duplex units that will be divided. They would have a lot line down the middle, and share a common wall. The lots are between 7,000 and 8,000 square feet each. He noted that this is a by-right subdivision. This is the preliminary plat, and Town staff is hoping that the group will get their engineering plans submitted shortly so we can send those off and have that review start in the near future.

Mr. Webb stated they worked quite a while to get this piece and you will remember that one of the reasons they can do this and sell these lots individually is because we have changed the R3 code when it comes to dividing two family dwellings. Used to have to be under one ownership; now they can actually sell both sides.

Commissioner Potts stated it is certainly an inventive use of the lots, and that it basically incorporated zero lot line construction. Mr. Webb stated he has reviewed this as far the setbacks and they look like they are plenty large enough to meet their setbacks and parking requirements. Next step is to get utility plans and things like that and have those reviewed. Commissioner McNeely asked if water and sewer is available to them. Mr. Webb answered yes.

Commissioner Campbell asked if it would be possible to run a larger water line back Hilltop Lane so that a fire hydrant could be installed. There is currently a hydrant on the corner of Hilltop and Bixler's Ferry Road. Mr. Shirley of Racey Engineering stated the closest hydrant is right at 400 to 410 feet from the farthest lot line. Mr. Chrisman asked Mr. Shirley if he had done a flow analysis on that 2 inch line that runs down Hilltop Lane. Mr. Chrisman was concerned with the impacts of adding these additional 6 units to the water usage by the current houses. Mr. Shirley stated that they have not done any flow analysis. He talked to Lynn Mathews and he said they were running up to 50 or 60 homes on a 2 inch line and so he didn't feel there was any problem with adding these six units. Mr. Chrisman asked Mr. Shirley to conduct a flow and pressure test on the hydrants in those areas.

Commissioner Menefee asked what is the next step. Mr. Webb stated if the preliminary plat is approved, then the group would come back to the Planning Commission for final plat approval once the construction plans and bond have been reviewed and approved. Typically after the preliminary plat is approved, the applicant will turn in all the detailed sheets with engineering discussing things like the fire hydrant flow, and we expect to get those within the next few

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weeks. They have a year to submit their final plat once the preliminary plat is approved. So they don't have to come back next month; it could be several months from now. He thinks they want to do it a little quicker than that but they have up to a year to actually file their final plat.

Commissioner Potts stated it was a great use of the land. The depth of the land enables them to set up six lots through there. If they didn't have that depth of land, they would not be able to do it. He then asked the Commissioners if they were satisfied with the preliminary plat as submitted. A motion was made by Commissioner McNeely to accept the preliminary plat as submitted and motion was seconded by Commissioner Hakel. The vote was as follows: YEA: Commissioners Potts, Baughan, Campbell, Hakel, Meaney, Menefee, and McNeely. **Approved 7-0**

Mr. Webb stated that a review of the accessory building size, the B2 highway commercial zone designation, a short term rental definition, addressing blight in the town's historic district and accessory dwelling units are all upcoming issues for the Planning Commission. He plans to present one or two a month at each Commission meeting for consideration. Mr. Chrisman asked for a simplified definition of how to determine a building height.

OLD BUSINESS:

Review of proposed ordinance amendment: Limiting the size of accessory buildings (detached garages, sheds, etc.)

Mr. Webb went over the accessory building proposal and the changes requested. He stated he wasn't sure about whether pools would want to be added as an accessory structure.

Mr. Campbell stated the reason he brought the issue up about pools is that they can be large and usually have a bath house associated with them.

Commissioner Baughan stated he thought a bath house would be an accessory building. Question is what do you equate a swimming pool to, is it more toward an accessory building or is it more toward the green space? Commissioner Potts stated he thinks the reason the issue arose was management of accessory buildings in addition to the primary house on the area.

Commissioner Baughan suggested several changes to the language, and Mr. Webb acknowledged these. Commissioner Potts stated that we also seemed to be differentiating between garages and other types of buildings. Commissioner Baughan stated that we may want to not define the type of building so much as the total area it covers.

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The Commissioners discussed several other changes to the proposed section. Most of the Commission agreed that the chart should be a staff tool, and not part of the Code.

Commissioner Potts stated he wanted to see a revision of this at the September meeting.

Mr. Webb stated a public hearing will be held next month on this version, and that he will have Mr. Spittler review it before the ad goes out. Commissioner Potts wanted everyone to have clear answers for Council and citizens on what the process was, what the changes will accomplish, and why this is necessary. He thinks in this case what we are talking about is clearly trying to set it up so that it is a small town community as opposed to allowing behemoth constructions that both detract from the small town look and feel and impact neighbors, overwhelm the size of homes on the properties and those sorts of things and that's our objective. We went with 4% because it allows construction of reasonably large buildings and provides places where they can store their lawn mower, tractor, etc. and still allows them to build a fairly good size garage and one that it is proportional in all cases.

Commissioner Potts stated that as far as items to address or review, he suggested contacting the Fairfax County Planning Commission regarding ways to determine the height of a building.

Review of proposed B2 (Highway Commercial) Zoning District

Mr. Webb stated this was a slight revision of what the Commission saw last month. He encourages working with the County Planner as far as getting things consistent around Town limits with regards to zoning.

Commissioner Potts suggested several changes including better defining when parking was allowed, the width of the buffering strips between the corridor and other businesses and zoning districts. He was particularly interested in not having more "sky scraper" signs.

Commissioner Baughan stated he would like to see clearer language regarding the location of parking, buffering and ancillary items such as dumpsters. He also wanted clearer language on required set-backs and signs that were adequate.

All Commissioners agreed that this district would be primarily aimed at the business zoned parcels adjacent to 211, or that would be directly impacted by their prominent location near 211.

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Mr. Webb stated Shenandoah County has a business district overlay for the outside of their towns. He stated that he would get a copy to all of the Commissioners. Commissioner Potts questioned whether the Commission should suggest allowing bed and breakfast homes in the B2. Commissioner Baughan stated he felt that B&B were aimed at existing buildings in the B zone, and not new construction. Mr. Webb added that they might be able to be considered under a special use permit.

Commissioner Potts stated he thought we should restrict this new zone to commercial enterprises more suitable for development along a busy highway such as department stores, malls, shopping centers, etc. Most Commissioners agreed that not allowing residential homes or B&B's would be wise in this new zone at this time.

Mr. Chrisman stated he has a few comments from some of the council members. They felt that all of the current B1 parcels that abutted or adjacent to 211 and those that were along 211 that were influenced by the traffic from 211 should be included as possibly B2 rather than be selective in which parcels were chosen. The other comment was that B1 would remain basically any of the business zoned parcels that were adjacent to 211 Business (Main Street). The inter parcel connector road idea was very well received in that they were required where possible. This street should be built to meet secondary street standards. There was one example where that connector was supposed to be built between Wal-Mart parking lot and the Food Lion parking lot (below the car wash). The land is still there, but it was never constructed by Wal-Mart. That inter-parcel connector would make a huge difference in the traffic counts at those two intersections on 211 should that connector street ever be built. The Council members and administrative staff also talked about the possibility of a tree landscaped buffering along 211 to basically hide the stores and their parking areas but not their appropriately located height and size of signs. The primary street would be 211 and any street that branched off 211 would also be a primary street. All other streets would be secondary streets, or side streets. The last comment was, for the three council members he talked to, not real pleased about the thought of residential development in B2 zone. That was supposed to be B2 for business use then that should be business use.

Commissioner Potts stated we do need to remind folks when we are in the dialog at the public hearings that a taking takes place only when the value of the property has been reduced to zero. So long as value has been left in the property, it is not a taking and it is a legal maneuver by the municipality. Commissioner Baughan stated that as he understands it, we are talking about the possibility of making B2 out of existing B1 in this corridor. So far we haven't said we would change R3 to B2. Mr. Webb stated that all the ones on this map are B1. If the County was interested in coming in, he thinks some of that property is business and some agriculture. Commissioner Menefee asked does B1 allow for residential use. Mr. Webb answered yes, as a

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special use. Commissioner Potts stated he thinks what he heard you say is even those that rated currently at R3, should be converted to B2. Mr. Chrisman stated what they said was that any current B1 along 211 should be considered an automatic candidate for this B2 district. Now if they are R3 or an R2, then that would be a significant change to drag a residential into a B2 district but anything that is B1 on either side of 211 – actually there are several out there that are adjacent to Wallace and 211 that are on the south side that would need inclusion because currently they are zoned B1 but in between those two parcels there is an R3 and then a R2.

The Commission suggested changes, and asked Mr. Webb to let them look at this issue again.

There being no further business to come before the Commission, a motion was made by Commissioner McNeely to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
