

**MINUTES
LURAY PLANNING COMMISSION
JUNE 13, 2007**

The Luray Planning Commission met on Wednesday, June 13, 2007, 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 opened the meeting.

Commissioners Present:

Tom Potts, Chair
Clifton Campbell
Peyton Baughan
Larry Hakel
Judy Suddith

Absent: Terry Dodson
Sam McNeely

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Andrew Jenner, Page News & Courier

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

Approval of Minutes of the Regular Planning Commission Meeting on May 16, 2007

Commissioner Campbell stated there is a dispute regarding the minutes of the May 16 meeting. On page 8 at the bottom of the page, Council's discussion concerning the Planning Commission meeting and Mr. Louderback's request for a house in the M-1 district. Council approved Mr. Louderback's request to build, and the primary reasons that they cited were that the Planning Commission did not do its job, failed to communicate with Council, and did not give reasons for the Commission's rejection of the request. He asserted that the Commission did give reasons to deny that request and they were that the property is in an M-1 district, it's in the flood plain, he was splitting lots, and the lack of street frontage. He did not feel that Council should not have made some of the statements they made pertaining to the Planning Commission. The Commission works independently with the Council; it does not play politics, and the potential problems were made very clear to Mr. Louderback the first time he came in for discussion. The Commission gave him the same reasons, and he understood that the Commission took a straw poll that night. He understood our reasons, and he should have understood that we would refuse it. If Council has a question about it, let them meet with us. He felt it was not right for Council to have Commissioners give their time, and then make some statements like Council made at their meeting without contacting us. He challenged these statements. Mr. Webb asked Commissioner Campbell if he proposed to change these minutes. He stated he was not proposing to change the minutes, but was proposing that Council come back and make it right with the Commission. The Commission worked hard on this matter and held two meetings on it.

MINUTES
JUNE 13, 2007
PAGE 2

There being no other discussion, additions or corrections, the minutes were approved as presented.

New Business

- Final Plat Submittal: Baker Development Partnership (Luray Landing Phase I)

Mr. Webb stated the preliminary plat was approved when Luray Landing's Master Land Use Plan was approved. That functioned as a preliminary plat. He explained that the applicant has one year once that is approved to either bring in their first phase for a final plat, or apply for an extension. They have applied for Phase I. Phase I will consist of 90 residential units and construction of public improvements is tentatively scheduled to begin during the summer of 2007 and end during the winter of 2008. There were some issues being looked at with the bond they submitted. There were a few things left off and the Town needed to have some items recalculated. These items are in the process of being done.

Bryan Chrisman stated that essentially Phase I design was essentially complete and correct with respect to the Master Plan. It has come before this body and the Council earlier. The outstanding issues were construction estimates for sidewalks and street lights. Those have since been added into the bond documents by Mr. Reed, and Mr. Reed will be communicating shortly with Mr. Spitler regarding the language of that bond. The other outstanding issue was the storm water issue. Phase I of this particular project feasibly could be constructed without any storm water going to the west. There will come a point in time in the development of the phase units where some of that storm water calculated flow would need to go to the west. However, at this time the developer can essentially just build the storm water network. He can put the pipe in, not connect it to anything and be in compliance with DCR regulations regarding the Phase I development. At this point, what we have outstanding is the construction estimate language being worked out between our attorney and Mr. Reed, the attorney for the project. This is similar to what Council did previously for the Fairview Avenue – Collins town home project. This body could perceivably vote to approve Phase I with the condition that the easement language meets the Town Attorney's criteria. We will get the updated information prior to Council taking final action on the final version.

The storm water issue to the west is currently being dealt with between the Town of Luray, the developer, the Airport Commission, the FAA, the project attorney as well as the town attorney. Council has been asked to approve a storm water detention/retention structure out on the west side of the project that is on an easement on land partly in the town and partly in the county.

MINUTES
JUNE 13, 2007
PAGE 3

This issue is being considered now by the Council. The Town has plans that have been reviewed and approved by a review engineer. The Town has an easement and a survey plat that has been created that encompasses that storm water facility. Those few things are on hold right now as far as Council review and approval until the issue of the easement and compliance with FAA criteria can be worked out between all three parties. That's where the Town is with the storm water issue on the west side of the property. No formal decision has been made yet by Council, but it's pending once the FAA issue gets worked out.

Commissioner Campbell stated part of the storm water problem was generated when Wal-Mart was built, and now they (the Town and applicant) are trying to bring that flow into this project's storm water plan. Mr. Chrisman stated the storm water network is not only for Wal-Mart, but Food Lion and some of the other stores out there. Those previous developments have created a storm water issue on the west part of that property that the town will have to deal with one day. The developer and the Town have tried to work out a plan that would be beneficial to both, and the developer had initially agreed to help incorporate those storm water flows from that problem area into this project as a means of helping to solve the town's storm water problems that are out there. There is a problem there now and at this point, if it can be facilitated in the manner in which it was originally presented, he thinks the project plan will have solved a large problem for the Town of Luray.

Commissioner Hakel asked if the business park is not a part of Phase I. Mr. Chrisman stated that the business park was a separate entity from Phase I of the residential development. That has been approved and platted and he believes several of the lots have been sold and they are beginning construction on at least one of the lots right now. The connections for water and sewer have been made in conjunction with the town's Public Works Department. Mr. Campbell stated the business end was by right. That was already in the B-1 so that was reserved by right.

Commissioner Potts asked if this would take care of the water to the north. Mr. Chrisman stated according to DCR, a certain amount of water can always go to the north due to the structure that is currently in place there. When development reaches a calculated point, then that water has to shift to the west. So some water can go to the north according to DCR criteria right now. If that changes or has changed, the Town has not been made aware of it yet, but that's the way the plan was originally set up, and that's what DCR approved. There is some contention there on the north border of the property, and the Town has been trying to deal with that not only with storm water, but with water connections as well and currently trying to make the best of that situation. Some water will go to the north, but the vast majority of it will go to the west. It will be a significant expense to the project development to send this much water to the west since they are basically going to be piping this water across the entire development to get to this planned storm water detention pond which not only helps the development. It's probably worth \$400,000 to \$500,000 to the Town to have the developer fix the storm water issue that's currently out there right now. The Town would like to pursue that option if possible.

MINUTES
JUNE 13, 2007
PAGE 4

Commissioner Potts asked if everyone understood what they are being asked now. Mr. Webb stated he originally suggested that at the end of the month we are going to get the bond estimate and recalculate it and this storm water issue will eventually be worked out. He and Jason examined the plats and everything is in compliance. A few loose ends need to be taken care of administratively and if the Commission feels comfortable with knowing that we are going to take care of those by the time it gets to Town Council next month, then there is really no reason not to vote on it.

Commissioner Potts stated the only thing that bothers him in the discussion is the continual reference to “eventually”. He would like to get a feeling for when we are going to have solution on the storm water issue. Mr. Webb stated we are not going to sign the plats until all of this is taken care of. Commissioner Campbell asked if it would be proper to suggest that when you get everything done, we call a meeting before the Council meeting to take a look at it. Mr. Webb stated there are no public hearing requirements on this. If you are comfortable with a meeting, then it’s OK. Commissioner Potts stated he doesn’t mind approving what they have; he’s just trying to understand for himself when we are going to get away from this reference to what has been the central issue of so much of this discussion and that’s the storm water drainage from this site.

Mr. Rodney Jenkins stated if you approve the plats tonight, the storm drainage system will be installed as part of these 90 units.

Mr. Baughan stated with reference to construction already going on, Baughan Construction Company is presently engaged in building a building on a piece of property that was formerly owned by Baker Development and was sold to one of his customers. He stated that he didn’t feel that he has a conflict of interest. However, he would prefer not to continue with too much discussion, and it is his intention to abstain from any voting just for that purpose. Even though he thought his company’s loyalties belong to the customer that they work for, his company just happened to purchase a piece of property from Baker Development. He removed himself from any further discussion for that reason, but thinks the Commission can count him for a quorum.

Commissioner Potts asked if were ready for a motion. Commissioner Campbell made a motion that we send it to Council with the conditions that have been discussed and that they be carried out. Motion was seconded by Commissioner Suddith. Mr. Spitler stated we should clarify these conditions for the record.

Mr. Chrisman stated the primary conditions would be:

- Receipt, review and approval of the revised construction estimates for the bond amount.
- Site revision of the plans to show the lighting coordination with Allegheny Power and sidewalks and lighting additions within the bond estimates themselves.
- Resolving the storm water issue for Phase 1
- Posting the correct, and agreed upon, bond

MINUTES
JUNE 13, 2007
PAGE 5

Mr. Spittler stated it's not anything uncommon for the Council to approve subject to the bond authorizing town staff to execute the necessary documents once they are received in satisfactory form.

The vote was 4-0, with Commissioner Baughan abstaining from discussion and voting.

- Presentation: Luray's Town Plan: Vision 2027

Mr. Webb stated the update process was started in August and we were hoping to have a draft to you by June. We are on time and under budget. We followed the process well. Mr. Webb stated the Town Plan is now formally presented to the Planning Commission and is presented by Greg Baka, Land Planning & Zoning Consultant. This would not be possible without the members of the Comprehensive Plan Committee volunteers. Mr. Webb thanked the Committee for their work on this plan.

Mr. Greg Baka gave a history of the Comprehensive Plan and the Town of Luray. Mr. Baka thanked the working members of the Commission and Ligon Webb for helping to facilitate this and make all the elements of the plan come together.

In August of last year the Town Council appointed seven citizens to serve on a Comprehensive Planning Committee. The Town asked Mr. Baka to get involved in September and then started regular meetings of the CPC. A workshop was held, specific brainstorming sessions were held about certain topics, engaged members of the Commission to do some priority ranking and a survey was taken directly to the public. There were about 65 responses to our survey which gave the CPC an idea of which topics and what specific objectives and ideas we wanted to focus on. In January the group spent some time preparing for the two meetings that were held on February 7 and 8 at the Fire Hall which were a big success.

The Comprehensive Plan is a mechanism or tool to help land use policies and as a general guide here in Virginia. The specifics really take place in both the zoning ordinance and in the subdivision ordinance. If the Planning Commission were to recommend this document to the Town Council, and the Council approves it, the Commission should review the zoning ordinances and subdivision regulations based on this updated Comprehensive Plan. An annual review by the Planning Commission would be an excellent idea.

Mr. Webb commented that part of the Plan gives the reader a snapshot of where the Town is today, and some insight as to where it is going in the future.

Mary Menefee, a Comprehensive Plan Committee member gave a broad view of the goals and objectives. She thanked the Commission for the opportunity to be on the Committee. She stated it was an honor, and she has learned a lot about the town as well as being able to come up with a plan that hopefully will be useful to you for guiding the future of the Town and lead us into the future.

MINUTES
JUNE 13, 2007
PAGE 6

Mary thanked Ligon and Greg in guiding and leading them and stated that hopefully this was a document that will be useful to the Commission and the Town.

Commissioner Baughan stated he had a copy of the original Comprehensive Plan of 1965 and he would be happy to provide the Town with a copy. Mr. Webb said he would like to have a copy of it.

Commissioner Potts underscored Mr. Baughan's comment on what a fantastic job the Committee has done for us. He reminded the members of the Commission that now that's it's been presented to them, it's up to them to review it, make changes, vote on it and forward it to the Town Council for approval.

OLD BUSINESS:

- Preliminary Plat Submittal: Stephen & Bonnie Kaufman

Mr. Webb stated the Kaufman's have paid their fee and submitted the required items, although there are still some questions about the road width, some engineering questions, etc. He stated that the Commission needed to take action on the proposal tonight. He stated that he thought that it would be reasonable the Commission have an idea what their long range plan is for the entire 15+ acres they own. It's all zoned R-2. That long-term development plan could be part of an approval or denial decided by the Commission. He stated that he didn't think that it in itself could be a reason to deny a preliminary plat. He stated that the Town has an interest as a Planning Commission to have an idea of what the applicant intends to do to their property. He didn't think it is the only justification for voting on the plat at this moment. This Commission understands there are some issues with the design based on the previous review. He indicated that he has not heard from the applicant's since the last meeting. If they resubmit revised plans, the Town will then forward them to our review engineer, and he will give us formal comments that we can take back to the Commission at the next meeting or whenever the applicant's want to come forward to pursue approval.

Mr. Spittler stated at this point it is not a lot different than looking at a concept plan. The Commission's approval or disapproval simply represents their view of an over-all plan to be used by the developer in creating the final plat that they are going to bring back.

Commissioner Potts stated he had a number of questions. It is not clear to him that the Commission has an overall plan for the project and subject property, and he is not sure of what the applicant's are asking the Commission to do. They have brought us an engineering drawing of what appears to be a lot; submitted it to us as though it is a building plan of some sort and without addressing what they are going to do with the rest of the 3.1 acres for that parcel. Since they own all this other land, he didn't feel comfortable at all saying yes. He feels he is being rushed into approving something he's not sure what he's being asked to approve. They have brought us a plan to subdivide a 3 acre plot, but he doesn't know whether they plan to stake out these new lots and build on them. If they are subdividing, he would like to know what they are going to do with the rest of the 3 acres. Commissioner Campbell stated until we get more information than this, he's not going to vote for it. Commissioner Potts also wanted to bring up that Commissioner Campbell tells him that he is not aware of the subdivision of this property

MINUTES
JUNE 13, 2007
PAGE 7

into these lots. He's not aware that it has ever been before the Luray Planning Commission and has never been voted on by the Planning Commission. Commissioner Campbell stated the first subdivision plat showed a street that went from Antioch back through that property and also this area which is suppose to be a 50 foot right of way through these two lots off of Fairview Road. This was in the original plat and he can find that plat if necessary because he still has it. Mr. Spitler stated he would be happy to pull the relevant deed records before your next regular meeting if that pleases the Commission. Mr. Webb stated he has looked at the tax maps and they have divided them into those three acres parcels. Commissioner Campbell asked how they did this. Mr. Webb stated they just went down and drew a new deed up with a survey. They were not putting in a road or anything. Mr. Spitler stated it would have to have come before our town zoning administrator, and we would have had to sign off on those plats for them to get them recorded. Mr. Spitler stated one thing that is clear is that their roadway plans are completely in conflict with our Town Code.

Commissioner Baughan stated that it appeared what they are presenting here for our approval or disapproval is a road system for one thing which doesn't conform to what the Town would expect, and doesn't meet the Town's current standards. The counter argument was that they want this to be a private road. He didn't see anything in our ordinance that allows this. Our ordinance is plain that these lots have to be on a public street and their choice of their sidewalk materials, their curb and gutter materials will be acceptable to the Town. Commissioner Baughan made a motion that on the basis of what they have presented, we vote against it. Motion was seconded by Commissioner Campbell.

Commissioner Hakel stated we have to put in the reasons. The three reasons he sees are the plat does not cover the entire lot, it does not cover the adjacent lots that they own, nor does it meet the road standards. Mr. Spitler asked if you wish to add a previous concern you had about the fact that you have no information concerning their plans for all the other adjacent lots. Commissioner Baughan stated what he heard in the discussion is that they present this as a private road. He doesn't think our ordinance permits a private road, or a gated community.

With no further discussion, Chairman Potts stated we have a motion properly made and seconded. A vote was then taken. The vote was 5-0 to disapprove and return to the Kaufman's to revise.

Chairman Potts stated that he and Mr. Webb attended a meeting given by a company that will be here in July with the support of the County to build a recycling center across from EMCO on the county's land which is the same location where they wanted to build a regional jail. The recycling center is being located there specifically to provide recycling for EMCO. They plan on a 12,000 square foot building and they want to operate on a portion of the site that is out of the flood plain. They have plans to employ 30 people. They are currently operating over by the landfill and they are outside in the weather, and that limits the time of year they can work. For the new building, they plan to have the equipment inside. Mr. Webb stated he didn't think they would have any emissions to speak of. Their waste will be either taken to Harrisonburg for use in some sort of energy production there, and the ash from their fire will be put in the landfill. Mr. Webb stated that as he was told, they do not need a DEQ permit to operate this business. Mr. Chrisman indicated the proximity to the Town's well as a concern, and that a business such as this may produce emissions and noise that will need to be examined carefully before any

MINUTES
JUNE 13, 2007
PAGE 8

action is taken. He stated that the Commission should ask the applicant to provide letters from the various agencies indicating their requirements (if any) for permits, etc.

Chairman Potts stated what waste they have that has to be disposed of locally goes to the landfill. When they send a truck out to the landfill, the County is looking to fill it with dirt, which they (the County) currently have to pay to dump someplace else. They will bring it back to their site, and put it on the lot to raise the rest of the site above flood plain to make room for more businesses to move in. He felt that it was an interesting concept, and specifically since its being located where it is proposed because EMCO needs it, and has sent a letter of support for it.

Mr. Webb stated he has received another special use permit from Main view Bed and Breakfast. They are proposing to build another cottage on their site. Commissioner Campbell stated they had been turned down before on that. The consensus was that only existing cottages can be considered for use with a B & B, not new structures. He advised Mr. Webb to let the applicant know this, and that there was no reason for the Commission to hear the issue.

Mr. Webb asked if the Commission could hold a public hearing on the Comp Plan on July 11. Chairman Potts proposed the 18th rather than the 11th for the hearing primarily because we are already at the end of June. Mr. Webb stated if we are going to make it the 18th, then we can make the 11th a work session to review the Comp Plan. He doesn't know what the advertising requirements are, but we can go ahead and put an ad in the paper. Commissioner Campbell stated we needed advertisement at least two weeks in advance. He advised that Mr. Webb could make a notice that would go in on the 4th and 11th of July and plan on doing the public hearing on the 18th of July. The regular meeting will be on July 11th and the public hearing on July 18th. Mr. Webb indicated that the Commission will have two special use permits to review on the 11th and then the Commission will come back in a week and hold a public hearing for the Comp Plan.

There being no further business to come before the Commission, a motion to adjourn was made by Commissioner Baughan and seconded by Commissioner Hakel. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
