

**MINUTES
LURAY PLANNING COMMISSION
APRIL 11, 2007**

The Luray Planning Commission met on Wednesday, April 11, 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
Terry Dodson
Sam McNeely

Absent:

Larry Hakel – On Vacation
Judy Suddith – Death in Family

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 March 14, 2007

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

New Business

Public Hearing:

- SUP07-2, Mr. Allen Louderback's request for special use permit to construct a single-family dwelling on a M1 zoned parcel

Ligon Webb stated Mr. Louderback came before the Commission in January and inquired about the possibility of dividing this parcel. The Commission gave feedback, and Mr. Louderback chose to proceed. Mr. Louderback was notified of the public hearing. After further research, only one parcel (not two) actually was recorded. Due to size, the Subdivision Ordinance would not apply. If divided, the rear lot would not have access to a public street. Staff reviews indicated a potential safety issue with using a private drive to serve the rear lot. Approval might be a precedent. The lot is zoned M1, but is located adjacent to many current residential uses. It is in the flood plain, so adequate measure must be taken by the applicant.

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Chairman Potts then invited public comments.

Mr. Robert Blow, 26 Furnace Road spoke. Mr. Blow was concerned about where the house would be built and where the driveway would be located. He stated that it is definitely in a flood plain, and that he and his wife were concerned about extra traffic and noise. Also, the elevation of the house would have to be raised quite a bit. He was also concerned about Mr. Louderback's plan for drainage and sewer access.

There being no further public comments, Chairman Potts closed the public comments portion.

Chairman Potts indicated that in his mind, nothing had changed from the first review the Commission had completed. He was also concerned about what sort of precedent this action may set. He stated he was not in favor of it, but would like to hear discussion and the Commissioners thoughts on it.

Commissioner Campbell stated he was still concerned about using the industrial zoned property for non-industrial uses. The Commission has had a lot of requests for residential or even business uses in the M1 zone that have been turned down. Commissioner Campbell stated that as far as he knew, the Commission had never allowed a residential structure to be built in the M1. He stated there are a lot of structures that have been grandfathered in, that the Commission had no control over. For this reason, and for the flood plain reason, Commissioner Campbell was opposed to the request.

Commissioner Baughan stated Mr. Louderback has enough space there to subdivide it and make two nice size lots. He didn't consider a residence there significant since so many others already are existing. He was concerned about the lot not having direct access to a public street. Commissioner Baughan thought this might be an issue for the Board of Zoning Appeals since the lot only had 28 feet of public street access from the start, and the creation of the lot preceded the ordinance. Commissioner Baughan didn't see a way to apply the ordinance properly to this lot. He did not have strong opposition to a residence there so long as it was built up out of the floodplain, but couldn't see a way to have it meet the ordinance. He wished to abstain, but was asked by Chairman Potts to vote one way or the other.

Commissioner McNeely stated that the negatives outweighed the positives. He made a motion that the Commission reject this request. Motion seconded by Commissioner Campbell. The vote to reject this request was as follows: YEA: Commissioners Potts, Campbell, Baughan, Dodson and McNeely. **APPROVED 5-0**

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Chairman Potts stated the vote to reject this request was based on the current M1 zoning, the lack of connection frontage at the public street, and the parcel being in the flood plain.

- **Review of Annual Report**

Mr. Webb stated the report will contain each Commission action of 2006. The general intent is to summarize what the Commission did this past year, and to set some goals for the coming year.

Commissioner Baughan stated that the report should contain a one line comment after each action of what was approved or disapproved by this Commission as to how the Town Council finally disposed of the issue. This would be a good way to inform any reader as to the outcome of any issue.

Mr. Chrisman stated that after each disapproval, the report should state the reasons for the denial.

Chairman Potts commended Mr. Webb for his work on the Annual Report. Commissioner McNeely suggested that before Mr. Webb puts it into final form, he should have someone proof-read it. Mr. Webb stated that he would review the report again, and edit it, before putting it on the web site.

- **Review of Survey Results from the Comprehensive Plan's "Community Work Sessions"; Comments Concerning Process for Updating the Comprehensive Plan**

Mr. Webb stated the consultant is in the process of putting together all the goals and objectives that will actually be the Comprehensive Plan. He is taking the input from the surveys, and from general comments people made during and after the community meetings. Mr. Webb indicated that in four to six weeks, he would produce a rough draft for the Commissioners to review.

Mr. Chrisman handed out a sheet entitled "Requirement for As-Built Sketches by a Professional Engineer or Surveyor for Multi-Unit Residential/Commercial/Industrial Projects". He stated this was an informational item for the Commission. The sheet is an item that the Town will be providing to all of the professional engineers and surveyors, as well as to clients of large scale projects, who come to Luray to do development for multi-unit residential/commercial/industrial projects where they will be laying water, sewer, and storm water connections.

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Old Business

Chairman Potts stated he had three items he would like to bring before the meeting.

1. The Luray Festival of Spring will be held on May 12. Chairman Potts has requested two booths be set up for the Planning Commission. Chairman Potts stated he drafted a letter that addresses developers who have received permits to build, and that he has sent this letter to Mr. Webb for distribution. He indicated that he felt that the Commission should give the people who hold the permits the opportunity to answer some of the questions the Commissioners receive from citizens. The Commission will be asking them to come set up, bring drawings, maps and illustrations and have a representative there during the day to discuss with the public what their companies are proposing to do with the permits they have received. When the Commission notifies the paper, the ad will identify the companies and hopefully that will give them an incentive to participate.

The second booth will be set up for the Planning Commission to staff for the day. Hours of operation are 9:00 A.M. to 4:00 P.M. Chairman Potts is particularly interested in the Commissioners beginning to have a public outreach and interface with people who come asking questions. The newspaper ad will outline the fact that the Planning Commission will be at the Festival to answer public questions, and encourage people to visit the booth.

Mr. Webb stated he will be present the entire period. Chairman Potts stated the area he requested is on Main Street, above Vivian's Flower Shop at the intersection with Hawksbill Street.

2. Chairman Potts requested that a letter be generated by the Director of Utilities on the availability of water and wastewater treatment for the Town of Luray. Chairman Potts asked Mr. Chrisman to bring that to the next Commission meeting for the Commissioners to review. The Commissioners have heard comments regarding these issues from the public, and Chairman Potts is concerned there may be some misinformation out in the community. He would like the letter in a hand-out format for dissemination to the public.

Chairman Potts advised the Council that at the previous Town Council meeting, the Council voted across the board to accept the Commission's recommendation on disapproving the regional jail.

3. An issue Chairman Potts wanted to address was what can the Town do regarding derelict buildings where the owner fails to keep the premises in good condition. He indicated that he knew there were situations where the Town takes action to clean up certain things, and then sends the owner an invoice. He stated that the Code of the Town will likely have to be amended.

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Mr. Campbell stated if the property presents a health hazard, then the Town must take action. Mr. Spitler stated if the Town adopts a housing code, it would require that the Town hire its own housing official. Chairman Potts indicated that he would like to look at this issue further. He said it may be helpful to research a historic building overlay district. Mr. Webb stated one of the questions in the survey was whether the Town should influence the design of downtown Luray. The responses from participants were very much in favor of such a guideline being proposed. Both Chairman Potts and Commissioner Campbell indicated that the issue should receive further attention.

Mr. Webb commented that for next month's meeting, the Commission will receive two special use permit requests. He stated that he has talked to Mr. Belton from Page County, and that an application will be coming in for consideration of locating the County Offices at the Wallace Building. Mr. Webb said that there is also a special use permit request from Mr. Bob Falter on Court Street, who has four cabins behind his house that he wants to turn into rental units.

Chairman Potts stated that he has been hearing talk around town about another major development. Mr. Webb stated that no one has applied for a new PND at this point. He thought that there may be some interest in the Montvue site.

There being no further business to come before the Commission, a motion to adjourn was made by Commissioner Baughan and seconded by Commissioner McNeely. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
