

**DRAFT
MINUTES
LURAY PLANNING COMMISSION
DECEMBER 13, 2006**

The Luray Planning Commission met on Wednesday, December 13, 2006, 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 Clifton Campbell presided over the meeting.

Commissioners Present:

Clifton Campbell, Chair
Peyton Baughan
Terry Dodson
Larry Hakel
Sam McNeely
Tom Potts
Judy Suddith

Others Present:

Rick Black, Assistant Town Manager, Assistant Zoning Administrator
Ligon Webb, Town Planner
Jason Spitler, Town Attorney
Page News & Courier

Chairman Campbell called the meeting to order at 7:00 p.m. and welcomed everyone.

Approval of the Minutes of the Regular Planning Commission Meeting on November 15, 2006 and Work Session on November 27, 2006

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

PUBLIC HEARING, REZONING

- RZ06-6, Master Land Use Plan, Luray Heights, LLC

Ligon Webb stated this is a rezoning for Luray Heights, LLC to rezone approximately 128 acres from R-1, R-2, R-5 to PND. The traffic analysis portion of this particular proposal is one of the most crucial, so I have been actively pursuing VDOT to put their concerns on paper. Essentially the role of VDOT in regard to the Town and this project is as if we have hired a consultant. They are the consultants. It has been clearly communicated to me and you that the engineer that has been retained by the applicant and VDOT has some philosophical differences over the trip generations in regard to what town homes, and single family homes will produce. Because of this, during an August 30 meeting which I attended, VDOT has made a statement that the applicant has basically chosen to ignore some of the parameters they had agreed upon. I don't know if there was a formal agreement but I do know I came away from the meeting realizing that there was an understanding between all parties. Once the applicants ran the numbers, in his professional opinion, the numbers did not match what accepted engineering practices warranted and what he personally felt was appropriate for this type development. Therefore VDOT has informed us that they will not look at the TIA and it is not required that they look at this TIA. In theory, this project could be approved without their blessing.

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I will also say that one particular thing about this development that makes it different is that we are talking about a piece of property that is zoned for residential use. We also know that if it is platted by right, it is a matter of fact that a lot of the amenities that have been proposed for this particular PND will not be under a traditional zoning. As far as the improvements which have been proposed, we would have much less ability to say give us an entrance to West Main and improve the geometry of this intersection. We would have some say obviously but we would not have 5 connection points to a development in this area. Therefore staff strongly recommends that given the progressive vision of this particular development, we are looking at a build out that would be between 7 and 15 years.

Commissioner McNeely asked Mr. Webb to give an overview of the amenities that would not occur if this were developed by right rather than as a PND. Mr. Webb stated the R-5 land which is about 8 acres, and is the townhouse and apartment portion, would not have a requirement for open space. The two miles of a proposed greenway type trail which connects the neighborhood would not be required as well. There is also a recreation center which I believe is 5,000 sq. ft. that will be constructed at the developer's expense. As far as utilities and expense of taking them to the site, that would be the responsibility of the Town. The applicant will also be paying tap fees as well. He would not be required to put open space, the walking trail, the recreation center and would not have to acquire an entrance to West Main Street or put a stoplight there. Mr. Campbell stated that the subdivision ordinance has restrictions.

Commissioner Potts asked if there is any rationale with VDOT on a traffic circle at Hudson's bottom. Mr. Webb stated from his understanding the applicant's engineer looked at the traffic counts and estimated that it was not warranted at that particular place. VDOT insisted that one be there as opposed to a 4-way stop. That intersection is to improve the geometry but I don't know a rationale why they wanted one there.

Mr. Webb was asked by Commissioner Suddith to recap the entrances into this subdivision. He stated the main entrance would be the West Main. The applicant is acquiring a piece of property to realign Northcott off Court Street, South Court, and South Court going toward Forest Hills would be another entrance. Most of your minor connections would be the one to Forest Hills and the one over to Leakesville.

Commissioner Potts stated he understood the issue of the connection through Forest Hills was going to be left to the Town. Mr. Webb stated that as far as a land perspective, I strongly support that these connections be made and I think that the Town Staff is fully supportive of that.

Councilman Campbell stated he would like Mr. Spitler's opinion on some of the language used in the letter. Mr. Spitler stated that it appears VDOT had indicated to the developer that they were requiring them to use the agreed upon trip rate and that they anticipated that was one TIA that was submitted for review. Commissioner Campbell stated they have questions on Leakesville Road also. Mr. Spitler stated they seem to be suggesting that we should take this opportunity to secure those other right-of-ways. It seems to suggest that we should shift the burden coming from other projects to this development, specifically the newly proposed high school. Mr. Webb stated part of the proffers is that we wanted to secure a right-of-way along Leakesville Road and they have dedicated 15 feet to VDOT. It sort of goes back to my premise

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that by right that 15 feet would not have to be dedicated, it would have to be purchased right now.

Mr. Modjeska stated Mr. Tim Stowe with Stowe Engineering would be happy to explain more about the traffic plan analysis and to address any questions you may have.

Commissioner Campbell stated we would like to have some answers to this letter.

Mr. Stowe stated reference is made to an August 30 meeting. This meeting was attended by Mr. Webb, myself, Mr. Modjeska, Mr. Black and several individuals from VDOT. At that particular meeting the VDOT employees indicated several things they would like for us to include in the traffic study. Several of those are described in the letter. The point that I would make concerning this opening paragraph is we did not walk away from there with any form of agreement that we would prepare a traffic impact study according to the likings of the VDOT staff and what they indicated to us that they wanted. We listened to them and understood what they wanted but didn't agree to them. The reason we didn't agree is because a lot of the items they asked for we felt inflated the traffic volumes beyond a point that were realistic and certainly created a situation that was incompatible with the very character of the Town of Luray and the quality of life we were trying to capture and expand with this particular project. There was not an agreement; there was an acknowledgment of what VDOT had asked us for but there was not an agreement that we would prepare a traffic impact study according to what VDOT wanted, but instead we would prepare a traffic impact study according to your zoning ordinance and what your zoning ordinance calls for in your ordinance as published today.

The second paragraph talks about traffic distribution and this is primarily focused on our main entrance on Northcott Street and the question at hand is how many vehicles coming out of that main entrance will turn left and go west on Main Street instead of going across Main Street past Caroline Tower and getting onto the bypass. I felt the majority of the vehicles would turn left on the Main Street to head up and get on the bypass taking the shortest possible route. We are talking about 40-50 cars turning left, and 5 or 6 going straight across. I would also point out a traffic light is required at that intersection. The traffic light is required regardless of whether the people go straight or turn left. Commissioner Hake asked how did you come up with 2%? Mr. Stowe replied we estimated that approximately 5-6 vehicles would go straight across based on the volume of traffic we see on Northcott Street now and anticipating where people were going to go when they came out of that main entrance. Mr. Spitler asked is that 2% of all people who approach that intersection coming out of the subdivision or is that 2% of all trips coming out. Mr. Stowe replied it was 2% of the traffic being generated by the subdivision. Mr. Spitler asked that's 2% of only vehicles using that intersection. Mr. Stowe stated it's just development related traffic. Commissioner Hakel asked what was VDOT's recommendation for that. Mr. Stowe stated they never really said; all they said was they objected to the 2%.

The third paragraph talks about trip generation. There is a nationally prescribed set of trip generation standards that are known as the ITE Generation Manual. These tell us how many trips each house will generate. The ITE Generation Manual talks about single family dwellings, and you can see in the VDOT letter they mention the 9.57 trips for a single family dwelling and a townhouse that generates just under 6 trips per day. To apply that rate to a townhouse seemed excessive. This is a nationally accepted standard that we used. This is the standard prescribed

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by VDOT. If you look at the VDOT policy out of the Richmond office, this is what's prescribed to be used for subdivisions. So that's what we have done.

Commissioner Baughan stated there seems to be some disagreement among the experts as to what is the average trip rate to be applied to townhouses. I assume that the methodology that the Highway Department and you would use would be the same and that's it's only the rate that is in disagreement. It seems the ITE Trip Generation Manual is the only source prescribed by VDOT as a basis for forecasting the trips associated with land development projects. It seems that VDOT has come up with an opinion that both of you should be using the same rate of trips for single family and townhouses. They obviously are not following the manual and at least we are hearing from you that the manual is supposedly VDOT's bible. It might be interesting to hear from VDOT as to where they come up with the idea that the 9.57 should be applied. I would like staff to press the issue more with VDOT and I'd also like staff's assurances that they have looked at the gentleman's analysis and found it to be correct. Also they have no disagreement with his methodology and that he is presenting us with the facts as he has stated them and that it narrows the whole discussion down as to who you believe on the rate that you should apply to a townhouse. If you could resolve that, then I think you solve the problem.

Mr. Modjeska made a few brief comments. To summarize what we are applying for here is an alternative form of development from what the property is currently zoned for. Generally the property is zoned for about 3 different zoning categories – R-1 is about 72 acres and it requires larger lots of 15,000 square feet or greater. There is an R-2 portion that requires a minimum lot size of 10,000 square feet or greater and a long strip of about 8 acres of R-5 property. It gives the opportunity to either do townhouses or garden apartments. We do not own the 1.75 acres that would create a connection to Main Street. However, we are the contract purchasers of that ground and that is a part of the PND and that contract is contingent upon the approval of a PND. If we do not do a PND, if we do it by another form of development, we would not be making a connection to Main. The traffic impact analysis is one of twenty-three requirements for the filing of PND. With the PND the major difference is open space, the public access is through the form of connections. The PND allows for a vehicular connection from Main Street on down through Court and again across and out to Leakesville. You have the discretion to approve or not approve the PND.

Commissioner McNeely asked Mr. Modjeska if he would point out to the public that you are not going to be the one who is going to build these houses and townhouses. Mr. Modjeska stated we are not a home builder meaning our business is not to construct houses. We are a land development company and our business is to create the community, to install the sewer and water lines, the roads, the fire hydrants, to build the community center, and trails. Our customer is the home builder. What we are selling instead of houses are lots. We have 509 sales to make to probably a half dozen or more builders over time and those builders would then build a house and hopefully sell it.

Commissioner Campbell then opened the meeting for public comments.

Comments from the public were made by Kelly Hartsell, John Robins, Karen Grieve, Jim Lester, C. R Suddith, and Peggy Smith.

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A motion was made by Commissioner Hakel and seconded by Commissioner Dodson that we table this matter the January 10 meeting at 7:00 p.m. The vote was unanimous 7-0.

OLD BUSINESS:

MR. PAT RACEY: COLLIONS AVENUE TOWNHOMES

Mr. Racey stated he was here to give an update of the Collins Avenue project on behalf of his clients, the Llewellyns. We have added additional open space areas into the middle streets. This has been looked at with the Town Planner and we feel we get more usable open space through this plan. We have also gotten an archeological study and pursued those evaluations. There has also been a flood study that we submitted to the Town. We had an outside consultant to help us re-emphasize the difference between a flood way and a flood zone. The plans were reviewed by the consultant and he produced a report that's on file at the Town Office saying we were in compliance with the NFIP standards.

One of the other things we have been working on is Stoneybrook Lane. Traffic is always a consideration and we perceived that this development would be best served by two outlets, Collins and Stoneybrook. VDOT has confirmed that the left turn lane issue doesn't come into play once the Stoneybrook Lane design is put into the equation. Commissioner Hakel asked if the left turn lane is now out and Mr. Racey said it was since Stoneybrook is going to be improved with two outlets. Mr. Racey stated a few details need to be worked out before we make a final plat submittal to the Town Staff. We would like to propose maybe a joint meeting in January.

Commissioner Baughan stated we will have to have a least one more meeting with you on the final plat. It's going to be too much to absorb in a joint meeting. Commissioner Campbell stated if it was just reviewing, we could do it in a joint meeting but not for approval. Commissioner Baughan wants to see a final plat with the Planning Commission. I think we are going to at least look at the final plat and study it in a meeting prior to having a meeting with Town Council. It may be at the end of that meeting we will go ahead and make a recommendation that it just go to Council.

Commissioner Baughan made a motion that the preliminary plans as submitted on December 13th be approved and motion was seconded by Commissioner McNeely. The vote was 7-0.

Proposed Action Related to Tabled Special Use Permit for Christopher Avery and Ronald Jenkins (Brumback Avenue)

Mr. Webb stated that Diane Williams who lives on Brumback has agreed to be the contact point in getting the Brumback folks who came to the last meeting together. Rick, myself and VDOT have a meeting scheduled for January 16th and any of you are welcome to attend. We are going to try to solve some traffic problems over in the general area and propose some alternatives. Will get VDOT's suggestions as to what may be done to improve traffic conditions. Hopefully we can come up with some options and at least make them and the applicant content that he

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realizes if the special use permit is denied, then he cannot build townhouses there. He has about 25 business uses he could compose there as long as he can meet the requirements.

Commissioner Campbell stated we will bypass the policies related to voluntary proffers.

Review of Proposed Bylaws for Planning Commission

Commissioner Baughan commented we have looked at a copy of the shortest version of the bylaws. Mr. Spitler expanded upon that and his version has about 17 pages. It is longer because he has inserted some of the rules from the State of Virginia Codes that we have to follow. Commissioner Baughan stated there are some things in here that I don't think we included in our shorter version that probably need to be in there. Either adopt the longer version or put them in the shorter version. In the longer version where it speaks of members, it says we shall have 7 members and then goes on to say that you can have a member from the Council and a member from the Administrative branch. Mr. Spitler stated that's what our Town Code provides. It's not plain that those other two members are ex officio members which historically they always have been. That language needs to be cleaned up to make it a little plainer.

Commissioner Potts stated we are going to need a legal clarification whether the committee consists of 7 or 9 people. Commissioner Baughan stated I think the language has to make it plain that there are 7 voting members. The language there is not plain enough to suit me as to who are regular members and who are ex officio members and how their terms are determined.

Commissioner Potts made a motion that we send this back to the Town Attorney for him to clean it up and bring it to us with his recommended version. Motion was seconded by Commissioner Dodson. Commissioner Campbell stated I have a motion and seconded that we send this back, and that it be resubmitted for our approval with corrections at our next regular meeting. The vote was 7-0.

Commissioner Campbell stated we will skip Open Space standards in the R5 zoning district.

A motion was made by Judy Suddith that the meeting be adjourned. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Richard M. Black
Assistant Zoning Administrator

