

**MINUTES
LURAY PLANNING COMMISSION
OCTOBER 10, 2007**

The Luray Planning Commission met on Wednesday, October 10, 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
Terry Dodson
Larry Hakel
Sam McNeely
Judy Suddith

Absent: Peyton Baughan

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
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 from September 12, 2007 Regular Planning Commission Meeting

There being no additions or corrections to the minutes, a motion was made by Commissioner Hakel and seconded by Commissioner Campbell that the minutes be approved as presented. The vote was as follows: YEA: Commissioners Potts, Campbell, Dodson, Hakel, McNeely and Suddith. **Approved 6-0**

New Business:

- **Sketch Plat: BRVCSP, LLC – Montvue Nursing Home**

Ligon Webb stated a sketch plat was presented and he met with the applicants from Montvue Nursing Home. This is an R-3 zoned land and they are presenting a duplex concept

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Mr. Webb discussed the minimum lot size requirement of 5,000 sq. ft. per side, the possible need for turn lanes, the redesign of traffic-calming features at the turns, the need for sidewalks, landscaping needs, and mentioned that a “special use area” had been designated by the applicant.

Brian Phelps, 30 Montvue Drive, Luray – Mr. Phelps spoke on behalf on the Montvue group. He indicated that the special use area is a progression of what was approved about 6 or 7 years ago for the special use permit. They are proposing a country care type facility, which has apartment style living with some assisted-living features. There may be studio to two bedroom apartments in that area. This is a planned future project. The overall plan is to provide a steady progression of services for senior care from independent living to assisted living to ultimately nursing home and skilled care services.

Commissioner Campbell asked how close this plan was to the plans that were presented to the Commission six or seven years ago. Mr. Phelps stated probably not very close. Commissioner Campbell stated that the Commission made sure that adequate parking was available on those plans, and wanted to be sure that they were adequate on these plans.

Mr. Phelps stated that the target age group for these units is 55 or older. The development will have age-restrictive, and other, covenants. The development group is planning to sell the units as condominiums with exterior maintenance provided by the group so there will be a monthly service fee. He indicated that there will be some rental units allowed in the development.

Mr. Webb stated Mr. Phelps had discussed the issue of submitting a PND type arrangement on this site with the density not exceeding what he is allowed in R-3. Mr. Phelps stated they looked at the PND concept as a way of creating more free space so that they could be more creative with that space. They plan on having an activity center or club house provided on the property. He said that such uses can also be incorporated into the “special use building” because the group wants to make sure they provide activities that keep our seniors active, and that’s the goal behind this independent living concept.

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Commissioner Campbell asked Mr. Phelps what it was that he was presenting to the Commission tonight. Mr. Phelps indicated the R-3 development plan that the Commission had received. Mr. Webb commented that the PND concept is an interesting one from a planning perspective, and noted that Mr. Phelps would like feedback from the Commission on whether such a thing would be favorable. Mr. Webb pointed out that our Code currently restricts PND type developments to those parcels at least 25 acres or more in size. This parcel does not qualify unless the existing area of the Montvue Home is included and re-vamped in some way. Commissioner Campbell reiterated that he would like to consider and recommend only on what the Commission was presented, not on future possibilities or options.

Commissioner Suddith asked Mr. Phelps if the group had plans for any type of transportation system for senior citizens. Mr. Phelps stated it is desperately needed in this area, and they continue to look into it, but that at this time, they have no concrete plans for such a system. They have been unable to find a company that will handle a rural route such as Luray.

Commissioner Potts stated we have not begun to address the issue in the Comp Plan of reducing the PND footprint. He suggested that the applicant may wish to look at submitting a plan that included landscaping for the new and existing uses of both parcels.

Commissioner Hakel stated he would like for the Commission to address that recommendation (PND acreage requirement) in the Comp Plan but in the meantime he supports what the Commission is focused on. Commissioner McNeely asked when talking about the whole entity, are you talking about the existing nursing home also. Commissioner Hakel stated yes.

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Bryan Chrisman asked if these proposed units have on or off street parking, or do they have an integrated carport or garage. Mr. Phelps stated all the units have at least a one car garage and one parking space in the driveway, for a total of two off-street parking spaces per unit.

Commissioner Campbell asked if the units would be handicap accessible. Mr. Phelps stated the plans they have now is for at least a two bathroom floor plan, two bedroom to three bedroom option. One of those bathrooms would be with a tub and handicap accessible.

Commissioner Potts stated he thought this was a project where the Commission could reach accommodation with the developer, while at the same time getting a much improved landscape design for the entire site.

Mr. Webb stated that Town staff could sit down with Mr. Phelps to discuss the various options. Mr. Webb will talk to Mr. Spitler to get a legal opinion on the application of the PND standards to the whole entity (both the existing nursing home and the proposed development areas).

Commissioner Campbell stated that the basic concept presented was good. He indicated that he didn't have a problem with what was presented. He stated that he does have a problem with staff presenting various options and avenues for development during the Commission's review and discussion. He stated that he prefers to deal with the proposal as presented by the developer so that he knows exactly what he is being asked to consider for approval.

Commissioner Hakel asked Mr. Phelps how soon he envisioned starting the project. Mr. Phelps stated he would like to be able to break ground by spring 2008, if everything goes according to plan.

New Business:

- **Review: Draft Definition of Short-Term Rental**

Mr. Webb submitted to the Commission a draft definition of Short-Term Rentals as follows:

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Short-Term Rental The renting of a private dwelling, including, but not limited to a single-family home, a townhouse, duplex, triplex, multi-family, condominium, or like which is rented, leased or advertised for a term period less than thirty (30) days. A short-term rental shall be considered a “commercial use” as are motels, lodges, inns, or bed and breakfast operations.

Mr. Webb stated that the Town could add the above definition of short-term rentals to Article II, Section 202 of the Town Code and prohibit short-term rental in the R1 and R2 zoning districts. This can be achieved by amending the “statement of intent” for these districts by adding language which prohibits short-term rentals. In the R3, R4, R5 and B1 zoning districts, the Town could allow short-term rentals as a use permitted by special use permit only.

Commissioner Campbell stated what the Town should do is not allow such a use in all of the residential zoning districts for the time being. He then indicated that it would allow the Town time to study the issue, and possibly consider allowing such a use in residential zoning areas at some point in the future.

Commissioner Hakel stated he doesn't have any problem with the way you have proposed it. Commissioner Hakel asked if the special use permit application would come before the Commission, or only before the Zoning Administrator. Mr. Webb replied that it would come before the Planning Commission and then the Town Council.

Commissioner McNeely asked under Section 516 would they be allowed if they got a business license. Mr. Webb said yes. It tells people you have to have a business license, you can't do it more than 30 days, and the bedrooms are limited.

Bryan Chrisman stated that two items came up at a work session of the Town Council were 1) off street parking access, and 2) a lot of communities do what Ligon is proposing to do, they offer a statement of intent in the various residential districts. There was concern mentioned by Council about drawing a distinction between R1 and R2, and all the other residential zoning districts. By changing the statement of intent for the first two and not altering it for the other three, the Town could be discriminating for or against such usages.

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Commissioner Potts stated he did not want to make any quick decisions on it. Commissioner Campbell made a motion that it not be allowed and motion was seconded by Commissioner Suddith. Commissioner Potts asked for discussion.

Commissioner McNeely asked if a business can still do short-term rentals in B1. Commissioner Campbell stated that if the use is not listed as a short-term rental, it is considered an inn.

Commissioner Hakel stated he understood that the motion would disallow short-term rentals in all R zones. Commissioner Campbell stated yes, until the Town has time to study it further and get public input. Mr. Webb stated the best way to handle this in the ordinance would be to have the use definitions for R1, 2, 3, 4 & 5.

Commissioner Potts stated that he wondered whether it was best to prohibit first, and then study it, or vice-versa. Commissioner Campbell stated the Commission should prohibit first in order to prevent an applicant from submitting a request for such a use first. Commissioner McNeely stated if the Commission has a public hearing on it, then the Commission can receive public input on how it should be handled.

Commissioner Dodson stated he had mixed feelings about the issue, but he wanted to keep the residential neighborhoods protected from the use until it could be further explored.

Commissioner Potts then called for the question. Commissioner Potts stated that the Commission needs to review the revised language formatted by Town staff at the next meeting (November) and then schedule the public hearing on the issue for the December meeting. The vote was as follows: YEA: Commissioners Potts, Campbell, Dodson, Hakel, McNeely and Suddith. **Approved 6-0**

- **Review: Definition of a Subdivision**

Mr. Chrisman discussed the definition of a subdivision. The handout gives the existing definition of a subdivision within our Code. Essentially given that definition, there are several loopholes.

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The recommendation of staff is to alter the definition so as to eliminate the loopholes, and require any subdivision within the Town to follow the subdivision ordinance, and come before the Commission and the Council.

The new proposed definition is: “A subdivision is the division of a parcel of land. The term includes re-subdivision and, when appropriate, to the context, shall relate to the process of subdividing or to the land subdivided”.

Commissioner McNeely asked if the revised definition required a public hearing to change the Code. Mr. Chrisman answered yes. Mr. Chrisman recommended that all proposed changes presented would occur at the same time to simplify advertising.

Commissioner Potts stated that the Commission needs to understand that what we are doing is proposing a new subdivision definition and retaining or reinforcing the current definition of re-subdivision.

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Mr. Chrisman indicated that the current definition of re-subdivision should also be examined since it states that any boundary line adjustment or dissolution would be considered a re-subdivision, and must therefore follow all the steps of a subdivision. Mr. Chrisman agreed to provide a subdivision definition, much like its printed here, and a revised re-subdivision definition at the next meeting. Commissioner Potts indicated that the review by the Commission would occur in November, with a public hearing scheduled for December.

Commissioner Potts stated that staff will bring us next month a proposed amendment to the code and we will vote on it at that time and you will advertise it and the Commission will hear it in December. Mr. Chrisman answered that was correct.

- **Enhancing Landscaping Plans in Subdivision Plats and Site Plans**

Mr. Webb stated that this issue relates to the Comprehensive Plan. He will re-format the language and present it at the November meeting. He indicated that the inclusion of this requirement at the site plan stage would likely be best.

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- **Review: Model Outdoor Lighting Ordinance**

Mr. Webb stated that staff is also looking at this issue, and that this is also something that could be a site plan requirement. He will format the language and present it at the November meeting. Mr. Chrisman stated it would be easy have a similar requirement that they not only include landscaping plans but another sheet showing their planned lighting with their submission. Commissioner Potts stated something of particular value when staff is drafting this is to make it clear that the objective of the ordinance is to reduce and prevent light pollution.

- **Discussion: Article – Edinburg Historic District**

Commissioner Potts stated he was talking with a resident recently and they were telling him that a group along Jamison, Cave Street and Blue Ridge Avenue has started a discussion about getting designation as a historic district. He stated that we have a historic district today, but we don't have anything that says it's a historic district.

Mr. Webb stated that the Commission talked about design in the Comp Plan in protecting our historic integrity of the downtown area. He's still trying to propose a way that the Town can have some oversight over what might fill in the downtown area, without having to go all the way to adopting an architectural district. Right now you have to send them a site plan. During the site plan process, the Town and Commission could have input. If the Town was to overlay a historic district, there would be a lot of intensive work required by the applicant, and he didn't think the general public would be receptive to it at this point.

Commissioner Potts stated there is nothing that stops the Commission from putting together an architectural design book for use as a guide by owners. He also stated that the Town could come up with a Luray Planning Commission commendation plaque that goes by the doorway of a building uses the design book. Mr. Webb stated if people were supportive of it, especially within the downtown district, he was thinking of a downtown overlay.

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Commissioner Potts stated he believes we need to pursue this topic. He felt it is important to the future of the town and what the town is going to look like in the future.

Commissioner Dodson stated he felt if staff could word it in some way by saying that the Commission “highly encourages the historic look to your property”, that’s what we are looking for instead of making such restoration a mandatory thing. He supported providing them with a guide book, and photo examples. Commissioner Potts stated the Commission also might well consider is there any way to offer a five year local property tax incentive to the owner that completes accurate and acceptable restoration in conformance with the guide book.

There being no further business to come before the Commission, Commissioner McNeely made a motion to adjourn. The meeting was adjourned at 8:35 P.M.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
