

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

The Luray Planning Commission met on Wednesday, February 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
Peyton Baughan
Clifton Campbell
Terry Dodson
Larry Hakel
Sam McNeely
Judy Suddith

Others Present:

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

Chairman Tom 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 January 16, 2008 Regular Planning Commission Meeting

There being no additions or corrections to the minutes, a motion was made by Commissioner McNeely and seconded by Commissioner Hakel that the minutes be approved as presented. The vote was as follows: YEA: Commissioners Potts, Baughan, Campbell, Dodson, Hakel, McNeely and Suddith. **Approved 7-0**

NEW BUSINESS:

- **Final Plat Submittal: *Area Properties, LLC***

Mr. Webb stated Area Properties, LLC has submitted the final plat of Luray Heights Phase 1 of the PND which will be twelve (12) single-family dwelling lots. The applicant has submitted the complete engineering plans and a bond estimate for all public improvements. These were submitted last week to the Town's review engineer. The

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Town hopes to have those comments back within the next month, and then provide them to the applicant so they can make any needed revisions. As the Planning Commission has done in the past, staff have looked at these final plats to see if they meet all the code requirements. Mr. Webb stated the proposal could be approved with the condition that the engineering review and bond estimate needs to be satisfied. He then asked for questions.

Commissioner Baughan asked Mr. Webb that based on his review to this point, without the engineer's final comments, did he find that the platted lots conform to what staff expects of the planned neighborhood development requirements under the ordinance. Mr. Webb replied that with what has been platted here, it conforms to what is expected of the planned neighborhood development requirements.

Commissioner Campbell asked if access to all of this is on Court Lane. Mr. Webb replied yes, and every unit will have its own driveway and parking area. Part of these improvements is the sidewalk all the way down Court Lane to Court Street.

Commissioner Hakel asked if there are any changes from the past submittals that the Commission needs to pay special attention to. Mr. Webb replied no, that the proposal matches what has been previously submitted.

Commissioner Baughan asked if the Commission makes a motion to accept it, recommend it to Council, subject to those things that may come up with the engineer's review, and in the absence of an agreement between the town's review at that level and the developer, would it come back to this body to make a final decision as to whether the recommendations the engineer made would be imposed upon or waived. Mr. Webb stated if you want to approve it with the condition that the engineering review must be satisfied, then it will not be back to the Planning Commission. The Town Council could put off voting on it until the engineering review is satisfied.

Mr. Spitler reminded the Commission and Mr. Webb about the need for a satisfactory bond agreement.

Commissioner Suddith asked if there were any problems with drainage in that area.

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Mr. Chrisman stated the drainage evaluation issue is going to be handled by Page County E & S Program Administrator. They contract out with a private engineering firm to review the storm water management. Mr. Webb stated the applicant will have to submit those plans before he can get any building permits.

Commissioner McNeely asked if the utilities that come in here have fire hydrants in this particular area. Mr. Webb stated that's one thing that our review engineer looks at. There has to be a fire hydrant within every 300 feet of dwellings. Mr. Chrisman commented in this particular case there are existing hydrants already on Court Lane, but the review engineer and staff will be looking at this.

Commissioner Dodson asked if the open space area - landscape feature - was going to be part of retaining the storm water, or was it proposed just to enhance the beauty of the place. Mr. Webb stated it is aesthetic.

Commissioner Potts stated he was going to ask Commissioner Campbell to handle the motion since he was going to abstain to avoid any potential for any appearance of conflict of interest since his property directly abuts Phase 1.

Commissioner Campbell asked if there were any public comments. If no one else has anything to offer, we are ready for a motion.

A motion was made by Commissioner McNeely that the Commission accept this plat as presented, contingent upon the review by the various engineering groups that will be responsible for it and an acceptable bond. Motion was seconded by Commissioner Hakel. Commissioner Campbell stated he had a motion properly supported that the Commission pass this on to Council with our acceptance with reservations. The vote was as follows: YEA: Commissioners Hakel, Baughan, Campbell, Suddith, Dodson and McNeely. Commissioner Potts abstained. **APPROVED 6-0**

PUBLIC HEARINGS:

- A) **Ordinance Amendment:** Appendix A (Zoning), Article V (Supplemental Regulations), Section 515 (Site Plan) of the Town Code be amended to include additional language related to landscaping plans and outdoor lighting plans. It is proposed that Appendix A (Zoning), Article V (supplemental Regulation), Section 515 (Site Plan), be amended to include two additional requirements. These additional requirements would be listed as letters (O) and (P).

Mr. Webb stated we have five amendments, three of which are directly related to landscaping – A, B and C.

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Chairman Potts opened the public hearing.

George Hadelers, 481 Almond Drive, Luray

Mr. Hadelers stated he appreciated the fact that the Commission was doing this. He thought it had been done years ago. The town looks very nice and he thought there had to be some guidance behind this. It was good taste and common courtesy. If the Commission is legislating this issue into existence, one thing he thinks the Town may want to consider is the 10 foot buffer. That isn't very much distance when you figure the roll over zone of the front of a car and the amount of distance you need to load snow after a snow fall with a bucket loader. You are not having much room to do that with. Most of the shrubbery you plant will probably be crushed by snow loader or run over by car bumpers or killed by calcium chloride that is spread on the sidewalks or parking lots. The other thing you may wish to consider is some of the landscaped areas act as a permeable water basin, where some of the run off from the parking lot can have a place to get back into the ground rather than running into the storm sewers which then dump into the Hawksbill in most cases. Neither of those two things would be in any way adverse to letting the property be developed intelligently, attractively and would also save the town some money in a variety of different ways predominately in storm water control.

Vicki Pitts, 33 Cave Street, Luray

Mrs. Pitts stated she is thrilled that the Commission is looking at both of these ordinances. It is very important for the community. Had we had some rules when Wal-Mart came in, we wouldn't have the elimination of the great huge parking lot that takes away from the beauty of the valley. She serves on the Tree and Beautification Committee and she is here because she cares about the trees and what we are doing to make our community more beautiful.

Kenneth Beyer, 467 Pass Run Drive, Luray

Mr. Beyer stated he is on the Tree and Beautification Committee. In support of what Mr. Hadelers said and if you would like to see some trees that were damaged by being planted in a small buffer, go over by the Pioneer Bank and right along the street you can see where cars have backed up into the trees and have literally destroyed them. He had a question about potential grandfathering. Mr. Webb stated all existing parking lots would be grandfathered; they would not have to conform.

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Commissioner Potts stated he suspected that the Commission went with the 10 feet based on what we are seeing in other ordinances and the fact that it takes up quite a bit of property to extend it.

There was a significant discussion among the members regarding increasing the buffer zone to 15 or 20 feet, or providing a range such as 10-20 feet. Issues such as planting too close to the sidewalks or utilities were discussed, as well as impacts by overhead power lines. The discussion centered on the fact that any plan cannot foresee every situation, and that a thorough landscaping review would solve many of the issues. There was a question of who would do the bulk of the reviews – the Commission or staff. The answer agreed to by most members was that staff would complete the necessary reviews (or consult with a separate reviewer), and then the Commission would evaluate the review and provide oversight.

Mr. Webb stated “Street trees shall be planted in an area within 20 feet of public right-of-way but not encroaching within 5 feet of any public right-of-way, public utility or easements.”

Mr. Will Constable, Harrisonburg, VA

Mr. Constable owns Outdoor Impressions in Harrisonburg and was happy to see the Commission actively pursuing this issue. He thought planting larger trees, and setting them back farther were very good ideas. He also thought the type of tree should be considered, especially those that have very aggressive root systems or produce a lot of leaf or limb litter.

Commissioner Potts stated that the Commission has discussed these issues, and has considered making reference to an appropriate planting list. Commissioners Campbell and Suddith agreed, and thought the Tree Board and Tree & Beautification Committee could lend review and advice support to Town staff.

Commissioner Baughan questioned the current difference between wording within the residential and commercial areas. Commissioner Potts commented that the Commission will review it one more time.

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Mr. Webb stated: “A. 5) For parking areas greater than 15,000 square feet in size, a perimeter landscaping strip of 15 feet in width shall be provided between any parking lot and public right-of-way.”

Commissioner Potts commented and for 11. c). Mr. Webb stated 11. c) “Street trees shall be planted in an area at least 5 feet but not more than 20 feet from any public right-of-way, public utility or easement.”

Mr. Ken Steeber, 792 Cave Hill Road, Luray

Mr. Steeber wished to comment on the lighting portion of the amendment. He wanted to commend the Commission for taking on the task, particularly on the part of lighting. He indicated he lives near the west end business area, and is happy to see an ordinance that monitors lighting.

Commissioner Potts closed the public hearing

A motion was made by Commissioner Campbell that we pass this on the Council as corrected. The motion was seconded by Commissioner Dodson. Commissioner Potts stated we have a motion made and seconded to pass the three amendments on to Council with recommendation for approval in implementing landscaping and lighting portions into the Town ordinance. The vote was as follows: YEA: Hakel, Baughan, Campbell, Potts, Suddith, Dodson and McNeely. **Approved: 7-0**

Subdivision Ordinance Amendments

Mr. Chrisman stated Items D and E relate to the definitions contained within the current code regarding subdivisions. These ordinance amendments – D) proposes that the definition of subdivision shall change to read as follows:

“The division of any lot or parcel, and when appropriate to the context, can relate to the process of subdividing, or to the land subdivided.”

This is a definition that has been before the Commission on at least two occasions. Staff believes it to be a more comprehensive statement that will enable a larger majority of

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divisions that occur within the Town of Luray to come before this Commission and the Town Council, but some of those smaller divisions, as we have discussed previously, would be handled administratively by town staff with the concurrence and signature of the Town Manager. If you have any questions about D) he would be happy to answer them.

The Commission had no questions or comments.

Commissioner Potts opened the public hearing. No one had any comment; therefore the public hearing was closed.

A motion was made by Commissioner Campbell that we pass it to Council with our recommendation. Motion was seconded by Commissioner Baughan. Commissioner Potts stated the motion was made and seconded to pass this to the Town Council with recommendation for approval. The vote was as follows: YEA: Hakel, Baughan, Campbell, Potts, Suddith, Dodson and McNeely. **Approved 7-0**

Mr. Chrisman stated Item E. is an ordinance amendment that staff believes this definition is no longer necessary in the code. If Item D (above) is adopted, then any change to any division within the town would automatically come before the Commission and the Council, or go through the two lot subdivision administrative review by town staff. Therefore, staff felt that the word "resubdivision" and the current definition could be removed from the code.

There were no questions or comments by the Commission.

Commissioner Potts opened the public hearing, and asked if there were any comments from the public. There being none, the public hearing was closed.

A motion was made by Commissioner McNeely that the Commission accept this amendment as presented and motion was seconded by Commissioner Dodson. Chairman Potts stated a motion was made and seconded to approve and recommend to Town Council as presented. The vote was as follows: YEA: Commissioners Hakel, Baughan, Campbell, Potts, Suddith, Dodson and McNeely. **Approved 7-0**

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OLD BUSINESS:

- **Review & Discussion: Creation of a “B2” zoning district.**

Mr. Webb indicated that this is an issue that the Council wanted the Commission to review and make a recommendation on. Essentially, the creation of a B2 district would cover all business development other than that immediately adjacent to either side of Main Street. The impetus being that along Main Street, lots were smaller and the current zoning setbacks may be appropriate. However, with other lots in a B2, various requirements such as increased setbacks, buffering, perimeter access, and landscaping would be required. The Commission discussed various options, including an overlay B2 district. The ending consensus was that separate B1 and B2 districts would be best, without the use of an overlay. Chairman Potts asked that sign issues also be addressed within this proposal, along with appropriate lighting and landscaping. Commissioners Campbell and Baughan agreed, and indicated that certain types of business uses are more appropriate for a B2 district, and therefore should have different requirements. There was discussion of a “sunset” clause, and that lighting and landscaping may eventually be phased in over time, even for existing places. Mr. Webb indicated that he would bring back a draft at the next meeting.

- **Methods to combat “blight” within Town limits**

Mr. Webb stated that this issue has been before the Commission and Council several times before. There was a discussion about the use of enforcement, incentives, and additional costs to the Town to implement this type of program. Mr. Chrisman outlined the experience that Front Royal had in trying to adopt a similar tenant ordinance. The Town had to hire a full-time code official and a part-time attorney just to handle enforcement in the courts. The effort presented a very negative attitude, and was abandoned. He reiterated that this will be a moral, ethical and a huge financial undertaking by the Town. He thought it was very worthwhile, but that he didn't want to see the Town waste time on methods that have already proven to be ineffective and very expensive. He commented that there have to be other ways that other communities have found to deal with these issues effectively, and that the Commission and staff should research those.

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Mr. Spitler stated this has been a matter of discussion for the Council at least several times and it seems to him that the discussion always comes to a screeching halt when you start hiring a Town building/code official.

Mr. Chrisman stated the Town has to be able to show that a building that is technically under the statute, is actively threatening public health, safety or welfare. When you get before a judge, that's a very high standard the Town must meet and prove. He thinks there are some other innovative ways. Towns in Northern Virginia are looking at tax incentives. If a person owns a run-down property, the Town gives them a tax break for three years if they will agree to sign a proffer to use the money to fix the place up. That's not a statutory thing; it's just a case by case. There are probably other things that the Town can look at. He said there have to be other creative ways out there. He recommended that the Commission find out what these are, and get them in front of Council and see what they think. Commissioner Potts would like the Commission to look into whether we could recommend a tax abatement in exchange for property improvements within the corporate limits of the Town of Luray.

Commissioner Hakel asked if Council did anything with the Cash Proffer Model. Commissioner Potts stated the Commission heard the proposal, and agreed they need more information. Mr. Webb and Mr. Chrisman noted that when Mr. Henry presented the model to the Council, he had indicated that the Commission had endorsed it. However, he was corrected during that meeting.

There being no further business to come before the Commission, a motion was made by Commissioner Baughan and seconded by Commissioner Suddith. Motion carried.

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The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
