

**MINUTES
LURAY PLANNING COMMISSION
JANUARY 11, 2006**

The Luray Planning Commission met on January 11, at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street. Chairman Clifton Campbell presided over the meeting.

Commissioners Present:

Clifton Campbell, Chair
Peyton Baughan
Bob Borgie
Sam McNeely
Tom Potts
Judy Suddith

Others Present:

Rick Black, Assistant Town Manager, Assistant Zoning Administrator
Jerry M.Schiro, Town Manager, Zoning Administrator
Jason Spitler, Town Attorney

Approval of the Minutes of the December 13, 2005 meeting:

There being no additions or corrections to the minutes, they stand approved as written.

Chairman Campbell welcomed the new members to the Commission – Mr. McNeely, Mr. Potts and Judy Suddith. New member Terry Dodson was absent.

Election of Chair and Co-Chair for 2006:

Peyton Baughan made a motion that Mr. Clifton Campbell be elected as Chairman. The motion was seconded by Tom Potts. Mr. Campbell reported he would accept the Chairmanship for one year if the Commission so desired. The motion carried with unanimous vote by the members present.

Peyton Baughan made a motion that Bob Borgie be elected as Vice Chair. The motion was seconded by Judy Suddith. Mr. Borgie accepted the nomination. The motion carried with unanimous vote by the members present.

Public Hearings: Rezoning

The purpose of this hearing is to receive public comments and to consider the following rezoning request presented by Web LLC (Mark and James Lynch, managing partners).

Applicant is requesting to rezone a parcel of land from B-1 to R-5 to allow for the construction of townhouses. Townhouses are allowed in the R-5 zoning district. The property is located on the northeast corner of the intersection of Whispering Hill Road and U.S. Route 211 Bypass. This property is further identified on Page County Tax Map #42A6-A-26. The zoning staff has concerns related to the compatibility of the proposal with the adjacent existing developed properties.

Mr. Robert Good of Racey Engineering was present and represented their clients Webb, LLC. He reported that the purpose of this rezoning request is the property is currently zoned B-1 and their clients are requesting a rezoning to R-5 for the construction of townhouses. Mr. Good requested that the public hearing go forward, but that any final decision be tabled until some legal issues, concerning deeds and agreements with adjacent property owners, could be addressed

Mr. Campbell stated that the public hearing would continue.

Mark Reed, Attorney representing the Mehta Brothers, Mike and Sunny, owners of the Days Inn property were here to oppose the request. Their points of opposition:

1. Density too high for this location.
2. Need to separate residential and commercial traffic.
3. Not in agreement with Comprehensive Plan of Town.
4. Legal issues concerning recorded deeds need to be addressed.

Mr. Thomas Ramey, 437 Whispering Hill Road spoke in opposition to this rezoning request. Concerns: Traffic, adjacent agriculture land, sewer system expense to Town.

Mr. John Mayeux who lives on Wallace Avenue spoke in opposition. Concerns: Property values, traffic and the view.

Maria Johnson, 1150 Lyn-Mar Road spoke in opposition. Concern: Eliminating scenic views.

Mr. Lynwood Vaughan representing Lyn-Mar Farms spoke in opposition. Concerns: Adjacent agricultural land, sewer system of Town, lower property values.

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Frank Wright, a homeowner in Springview Subdivision spoke in opposition. Concerns: Privacy and increased traffic.

Nancy Waldo, 6 Constitution Avenue, Luray spoke in opposition. Concerns: Impact on schools, infrastructure, and public safety.

Three letters were also received by Rick Black opposing the rezoning:

Nellene Smith, 5 Hite Court,
William R. Conley, 161 Old Farm Lane
Ted and June Dinges, 791 Whispering Hill Road

Mr. Campbell asked for a show of hands of those in attendance who were opposed to the rezoning. Twenty-eight people present were in opposition. Mr. Campbell commented that except for Mr. Good representing the request, and the managing partners, no one else present was in favor of the request.

Mr. Campbell asked if anyone had questions since this was a public hearing.

Mr. Campbell then asked how the Commissioners felt about going ahead with the vote. No commissioner noted an objection. Mr. Campbell asked for a motion. Mr. McNeely moved that we deny the request for rezoning from B-1 to R-5. Motion was seconded by Peyton Baughan. Mr. Campbell commented that a motion had been made and seconded that this request be denied and asked if there was any other discussion. There being no further discussion, a vote was taken and the motion carried by a unanimous vote by the Commissioners present.

Jerry Schiro advised the Commission that they might want to make sure when their recommendation is forwarded to Council, that there are specific reasons as to why it was denied. At least outline in the minutes when a formal resolution goes to Council, it includes the reason why. Commission's stated reason: Highest and best use of property is Business.

Mr. Campbell asked if there was any other business.

Mr. Campbell asked Mr. Black what has happened to the Comprehensive Plan. Mr. Black replied that it has not been completed by the Northern Shenandoah Valley Regional Commission as scheduled. Mr. Baughan commented that by law we are supposed to be reviewing the Comprehensive Plan every five years. We have done a full blown review every 10 years.

Mr. Black commented that the Commission needs to have a joint work session with the Town Council to discuss the development issues that are now before the Town. Issues such as how many dwelling units and how quickly these new housing developments can be completed. The Council needs to establish the direction for the Commission to follow. Mr. Campbell added that Council has not provided us with any direction as to how they feel the Town should grow. With new members, we definitely need some direction from Council.

Mr. Schiro commented that the Town of Luray and the type of proposed development communities that we are dealing with now, you have to fully avail yourselves to training opportunities. Ask for seminars with the Town Attorney so that he can help you understand the State's requirements. It is important that you have solid reasons for the actions you take.

Mr. Baughan asked that certain State statutes passed by the legislature concerning planning commissions be made available to the Commissioners. If you understand the basis on which these commissions were created and the limits the State legislature puts on these things, you will have a better understanding of your duties. Jason Spitler said he will make copies and distribute before the next meeting.

There being no further questions or discussion, the meeting adjourned at 8:26 p.m.

Next regular meeting of the Planning Commission is Wednesday, February 15, 7:00 p.m.

Respectfully submitted,

Richard M. Black
Assistant Zoning Administrator
Luray Planning Commission