

**Minutes
Luray Planning Commission
September 1, 2005**

The Luray Planning Commission met on September 1, 2005 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
Dr. Eugene Martin
Hubert Roop
Bob Borgie
Peyton Baughan**

Others Present:

**Rick Black, Assistant Town Manager, Assistant Zoning Administrator
Lonnie Arrington
Leroy Lancaster, Town Councilman**

Approval of Minutes of the August 4, 2005 meeting: Commissioner Martin made motion, seconded by Commission Roop to approve the minutes of the August 4, 2005 meeting as presented. The motion was carried by unanimous vote of commissioners present.

Public Hearing – Rezoning Request:

In accordance with Section 707 of the Code of the Town of Luray, Virginia Pacific, LLC (owner) and Stonewall Investment Company, LLC (joint applicant) have made application for the rezoning of a parcel of land located along the west side of Yagers Road. This property is further identified as Tax Map Parcel # 42A4-13-1 though 24. The rezoning request was from B-1 to R-5 to allow the conveyance of townhouses, independent of the requirements of a Special Use Permit. The Zoning Staff Report presented by Mr. Black recommended amending the existing Special Use Permit to allow for this conveyance.

Chuck Bowen, applicant representative, indicated that the purpose of the rezoning request was to avoid repetitive Special Use Permit requests from future property owners in the development.

The members of the Commission requested an opinion from the Town Attorney concerning whether Special Use Permits convey with the title to property and report back at the October 6, 2005 meeting.

Public Hearing:

In accordance with Section 707 of the Code of the Town of Luray, Arthur C. Ellis, Jr. (owner) and Chris Ramsey (joint applicant) have made application for the rezoning of a parcel of land located along the south side of Fairview Road. This property is further identified as Tax Map Parcel # 42A16-3-1 though 13 and 29A. The rezoning request was from R-2 to R-3 to allow for the construction of duplexes. The Zoning Staff report presented by Mr. Black indicated that the closest R-3 property was located approximately 1.5 miles west of the proposed project. Also, the rezoning of this property combined with existing lots located in Page County, has the potential to produce 82 dwelling units. The project is proposed for an age restricted population with a provided maintenance component.

Clifton Campbell noted that the proposal appeared to be “spot zoning”.

Chris Ramsey addressed the Commission and provided the following information:

- Age restricted communities are available in other counties, but not in Page County.
- The project would provide for a property owner’s association and uniform construction.
- The road system would have 36’ wide streets with sidewalks outside of public right of way.
- He would upgrade Ellis Road to an 18’ paved driving surface with no curb and gutter.

Mr. Ramsey advised the Commission that he would welcome any conditions and that the property located in the County could be developed as townhouses and apartments based on the current zoning.

The following people addressed the Commission and expressed their concerns, both positive and negative: Dennis Flemming, Clyde Freeze, Junior Griffith, Carlos Good, Roger Bradley, Helen Wymer, Carol Havner and Steve Havner.

Peyton Baughan indicated that a larger property would be required to avoid the issue of spot zoning.

Dr. Martin expressed his concerns about spot zoning and traffic.

Bob Borgie requested more information concerning the legal issues dealing with spot zoning.

Mr. Baughan made the motion to deny the request. The motion was seconded by Dr. Martin. In favor to deny: Mr. Campbell, Mr. Baughan, Dr. Martin and Mr. Roop. Mr. Borgie abstained from the vote for reasons noted above. The motion to deny the request was carried 4 – 0 with one abstention.

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Old Business:

Planned Neighborhood Development (PND)

**The “Evaluation Criteria” concerning open space in a PND was changed to read as follows:
Conserves a minimum of 25% of the total project area, not developed as single family detached dwelling units having a minimum lot size of 10,000 square feet, as open space, incorporating a system of parks, open spaces, recreational facilities, and amenities within the development which enhance the total plan of the development.**

Mr. Campbell suggested that the PND be entitled Residential R-6.

There being no further business to come before the Commission, the regular meeting was adjourned.

Respectfully Submitted,

**Richard M. Black
Assistant Zoning Administrator
Luray Planning Commission**