

**MINUTES  
LURAY PLANNING COMMISSION  
SEPTEMBER 13, 2006**

The Luray Planning Commission met on September 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  
Larry Hakel  
Sam McNeely  
Tom Potts

**Absent:**

Terry Dodson  
Judy Suddith

**Others Present:**

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

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

**Approval of the Minutes of the August 16, 2006 Regular Planning Commission Meeting**

There being no additions or corrections to the minutes, the Chairman stated they stand approved as presented.

**New Business:**

Mr. Webb stated the meeting he and Jason Spitler had scheduled to go over the ordinance amendments had to be postponed due to a death in Jason's family. When he returns from his trip they will sit down next week and advertise the amendments. The amendments we will be advertising are next month and there will be a couple of tweaks of the sign amendment so we can handle a few things administratively in-house as opposed to sending them to the Council. Another thing we had talked about was in the subdivision ordinance requiring sidewalks in all plats, but want to say will require sidewalks in all residential developments.

**Old Business:**

Mr. Webb put together information on “Usable Open Space” based on our last meeting. The current definition we have for “Open Space, Usable Landscaped” is defined in Article 2 Definitions, Section 202 of the Code. “Open Space” is also defined in the PND. Open space requirements now are just for the R-5 Townhouse and Apartments and the PND. In the PND, 25% of the site has to be open space. Whereas, as in 510 and 511 Townhouses and Apartments, the open space is .25 times the overall amount of square footage that you have. I tried to give you some examples. The visual examples give you some special reference of 10%, and 15% of the site for green space. The next example shows the amount of green space required by increasing the open space from .25 to 0.4 in townhouses and apartments. The last one was if you were just to say 25% open space in 510 and 511 to give you an idea. Under Section 510 and 511 on the Potential Options portion, Rick and I thought of this and bolded the statement. We added “and be equally accessible to residential areas of the development, as reasonably required”. Mr. McNeely asked what you mean by “equally”. Mr. Webb stated it would need to be in a central location. We will need to get Jason to look at this and make sure he thinks it is reasonable. I also threw in “as reasonably required” because there could be a situation where there is a site that’s very difficult to make it equally accessible. We want some flexibility based on some circumstances that you just can’t do it. Mr. Potts commented that what you want there is the word “feasible” as opposed to “required”. Mr. Webb stated that was a good point. If that is reasonable, we will have Jason look over and make some sort of change to that section of 510 and 511 to include that.

Mr. Baughan stated that it seems you could come up with a definition for open space which would both apply to Planned Neighborhood Developments and the townhouse or garden house type developments. I don’t think you need an open space definition for R-5 and another one for Planned Neighborhood Developments. I think you could come to one definition, other than the amount of, because both of them have their own amount of requirements. As far as what you are talking about when you say open space, I believe you could develop a definition that would be equally useful for R-5 or Planned Neighborhood Development and the only difference is how much you require.

Mr. Webb stated in Section 510 and 511, in the PND we have the ability to review a plan first. We still look at the plats, but we don’t have quite as much ability to deny. That’s why I suggested maybe adding the 510 and 511 wording saying “and be equally accessible to residential areas of the development”. Mr. Potts stated we are suggesting that you do that with the PND part as well. Mr. Baughan stated I think you can come up with one definition for open space so that when you use the word open space in PND it means that. When you use the word open space in the R-5 district it means the same thing. The only difference is how much. I think that applies to both and it puts the planner on notice where you expect him to go with this.

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Mr. Black asked how much do we want. Mr. Baughan stated he thinks the gentleman's point about same space on a lot should refer to the development. What you have is the basic definition but you haven't gone far enough to say what it's not. I think your "and equally accessible to all residential areas of the development" is a reasonable thing to put in that same definition. It sets the parameters for the designer. Right now in R-5, the only thing we have to say we approve or don't approve is the word "usable". You put him on notice; he doesn't have to guess at what we mean by usable and we don't have to be too arbitrary about what we mean by usable.

Mr. Black stated that in the PND it is defined to how much is 25%. What do you think is a reasonable number for R-5.

Mr. Campbell commented that personally I have no problems with the densities that are likely to be created by the R-5 district as it stands. I'm open to suggestions that maybe that density is too high. Mr. Hakel stated that in talking to citizens, they feel they want less density than what we now have. Mr. Baughan stated that's the feeling he's also getting.

Mr. Campbell stated the people in these apartments regardless of what density, still need some open space that we are not giving them. If we cut it by just two units, I think this would be quite dramatic as far as the public is concerned. If we would use 15%, this is a start to satisfy what the public thinks we need.

Mr. Potts stated he was satisfied with the .25 until we received the plan for the 30 acre development that wound up putting 215 townhouses in there and I saw that there was only two acres of open space that was required by the current ordinance. I thought a quarter of open space per square foot of building space sounded real good, then I saw the plat – 2 acres out of 30 acres and it didn't sound nearly as good. I think we need to take a strong approach at coming up at a new number.

Mr. Campbell stated if you are using percentages, it shouldn't make any difference whether it is 3 acres or 50 acres. If you are using percentages, the people in those apartments need a certain amount of open space and it shouldn't matter whether it's one building or six buildings, you still need the open space. If you use percentages, that means that the people in this unit are getting the same things as the people in this 30 unit plat. I don't think you can go wrong with percentages. You are allowing everybody the same thing.

Mr. McNeely commented that we talked last time about buffers. Would buffers be part of open space? Mr. Potts stated he didn't know how they are counted. Currently there is no buffer. Mr. Black stated there is no buffer requirement, so it should be a separate thing. Mr. Baughan stated the answer may lie in what your final working definition is of open space.

Mr. McNeely commented that if they want to put a row of trees along the Bypass, would that be considered part of the open space. Mr. Webb stated in the PND definition of open space, it actually says buffers. It could be included. In that case we would probably want to use some of their open space for buffers. Mr. Baughan stated that in some cases I think the market dictates it. I hear the statements that people are going to want a certain amount of open space. I would submit to you that in your business district you could build an apartment house with off street parking and no green space. I think it's reasonable in the R-5 to go for some green space. Mr. Potts stated he agreed that someone buying one of these townhouses might not care if there is any recreational space in the neighborhood. The issue still remains is it good for Luray to go with his opinion or is it better that we go for the community good of providing recreation space in the development. I think we agree that it is; the question is how much.

Mr. Campbell stated this is something we need to come up with at the next meeting. I think we need to try to work it through with the Comprehensive Plan. You have enough information and you can come back to us with one or two proposals and then we will discuss it. If you have suggestions in the meantime, write them out and give them to Mr. Webb or Mr. Black. I hope Lonnie will be able to work with them and we can get something reasonable and will satisfy this group.

Mr. Hakel commented instead of using the words "equally accessible", you might say that the house owner can access the park in a certain amount of time or doesn't have to travel more than so far. I can see the word "equal" being a problem. Mr. Black stated in the PND it says "to insure appropriate public access".

### **Review of Town Code Related to Planning Commission and Examination of By-Laws and Procedures of Other Selected Localities**

Mr. Webb stated after Mr. Potts brought this up, he refreshed himself with what Luray's Town Code has in it with regard to composition, creation, and appointment of members. He copied examples of by-laws from some other localities. Mr. Potts said Front Royal's looks good. Mr. Baughan said Front Royal is a model you could build on.

Mr. Baughan said what you are saying is that the Planning Commission shall consist of seven members. I suppose that's what the Town passed, as opposed to the language that said "no less than". Mr. Webb stated that's what is currently in our town Code. One member of the Commission may be a member of the Town Council and one member may be a member of the administrative branch of the government of the Town. In the past we have had those members, but it was plain that they were ex officio members and had no vote. Although they took part in discussions; they were our liaison with the Town Council. The language I see before me does not really speak to the fact whether they have a vote or not and I don't think I have seen them participate in a vote. I would encourage the Town Council to rethink their language as to whether they want them as voting members or as ex officio members, which has been the custom in the past.

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When the State of Virginia set up the rules governing Planning Commissions, did they make it “shall” or “may” as far as these members and did they make it plain if they were ex officio or not. The language here doesn’t really spell it out one way or the other, but I think they need to look at this.

Mr. Baughan also stated that his understanding and the language he read in Section 62-33 doesn’t speak to him that as a member of the Planning Commission, he has been nominated by a member of the Town Council, voted on by the total Town Council as to whether he was appointed or not. My appointment runs with the person who nominated me. When his term is up, my term is up. The language in 62-33 doesn’t come close to saying that. Mr. Campbell stated that once you are appointed for this term, like the ones that were just appointed this last term, there is no other appointment made until the Council person or the Mayor is not here any more. Whoever takes that person’s place is the one that does the appointing. Mr. Baughan asked does he appoint or does he nominate? I think he has the right to nominate a person. I think the Town Council reserves to themselves that by a majority vote they will appoint that person or not. But that’s not what it says here, so I think the Town Council ought to amend it and it should be made plain. It doesn’t read well at all. I think they know what they want to do, they have done it, but the language they have here is confusing. Then it says we serve without compensation, we are entitled to reimbursement of actual expenses. I think we are compensated something.

Mr. Potts stated what brought this about was his instructors reviewed it at the last meeting he attended in Richmond and the comment from the James City County people who were talking about law suits originating that challenged the validity or the authority of Planning Commissions to take any action whatsoever, because they failed to have proper credentials. That’s when I came back and started talking to Mr. Webb about it. Hopefully, as we are getting into the process of coming up with our By-Laws and Rules and Procedures, we can address the need for the changes of the appointment portion of the Code as well. Also whether it is up to us or Town Council to come up with it. Mr. Black stated it seems if you read them, the Planning Commissions have come up with these by-laws. He also stated that he thought the whole thing has to originate with the Planning Commission. Mr. Webb stated we should decide what needs to be changed and what needs to be added.

Mr. Baughan commented if you go back to the Town records, I think you will find enough evidence that the Planning Commission was established by the Town Council in accordance with the State laws. The By-Laws of the Town of Front Royal are very adaptable to our situation. I think you can clean that up. Mr. Webb asked if you wanted to have a Work Session in the late afternoon to sit down and figure out what we like and don’t like. He asked if two or three people would like to volunteer. Commissioners Potts, Hakel and Baughan volunteered. Mr. Webb stated he would sit down with Jason before the meeting. He will coordinate with them and pick a date for the meeting.

**Comprehensive Plan**

Mr. Webb stated we are going to have the Comprehensive Planning Committee together by Friday. Council members have given me their appointments from the applications we received. We are in contact with one particular consultant and working out some details of what we would expect for the scope of work and hopefully that will be settled within the next couple of days. We are in the process right now of getting a proposal from him. Hopefully by the end of this week I will have a meeting set up and have a kick off meeting with the Comprehensive Plan Committee. The plan is, once we get started, to hold three general public hearings. After that the Committee will hold six or seven meetings and hopefully have everything written and to you by May, 2007. The Comprehensive Plan Committee will present the document to the Planning Commission for your review and approval.

Mr. McNeely complimented Mr. Webb and Mr. Black on the package they put together for us. Both items of old business tonight had very good examples for us to work from and I think it's time well spent to give us that kind of information.

There being no further business to come before the Commission, the meeting adjourned. The next regular meeting will be on October 11, 2006 at 7:00 p.m.

Respectfully submitted,

Richard M. Black  
Assistant Zoning Administrator