

**MINUTES
LURAY PLANNING COMMISSION
DECEMBER 13, 2005**

The Luray Planning Commission met on December 13, 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
Jerry M.Schiro, Town Manager, Zoning Administrator
Jason Spitler, Town Attorney
Mark Reed, Attorney for Chuck Bowen

Approval of the Minutes of the November 3, 2005 meeting:

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

Public Hearings: Rezoning

The County of Page made application requesting rezoning from R-2 to B-1 for the construction of a County Office Building. The property is identified as Tax Map #42A10-A-118, 119 South Court Street. The Public Hearing Notice was properly advertised in the *Page News and Courier* in editions dated December 1 and 8, 2005. The property is located between an R-2 District and a B-1 District. The Zoning Staff does not oppose the rezoning of this property for the construction of a County Office Building.

Mr. Billy Aleshire reported that the Commissioners had before them an outline sketch of the office structure they hope to build and if you have any questions, he has Mr. Fritz Baukhages, design architect, with him.

The Chairman, Clifton Campbell, reported that the request is for a County Office Building 96' x 105' and three stories in height. Mr. Baukhages reported that it will be within the Town Ordinance and Building Code requirements. Mr. Campbell asked Commissioners if they had gone to the site and looked it over. All Commissioners had done so. The Chairman asked for comments from the public. No other comments were received.

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A motion was made by Dr. Martin and seconded by Mr. Borgie that this request be sent to Council for approval. The motion carried with unanimous vote by the members present.

Old Business:

Chuck Bowen – Virginia Pacific, LLC 7 Stonewall Investment Company, LLC:
Page County Tax Map #42A4-13–(Lots 1-24) – B1 to R-5

Mr. Reed spoke for Mr. Bowen. The primary reason is under B-1 they are operating under Special Use Permit and for future sale, if this is transferable or not. A public hearing was held on September 1, 2005 and was tabled. It was referred to the Town Attorney for opinion on current ordinance, and whether special use permits transfer with property title. Jason Spitler reported that staff had some concerns about rezoning property prior to build-out because rezoning to R-5 could allow uses other than townhouses. The Town would have no problem with property being rezoned at build-out provided that it is strictly for townhouses and would be tied to plans Mr. Bowen has previously submitted. Mr. Reed commented that the plan Mr. Bowen has submitted shows that substantially all the property would be developed as townhouses.

Dr. Martin asked exactly what the request was. The request is that this piece of property be rezoned from B-1 to R-5 on the recommendation from the Town staff that the property be developed first and then Council would have the opportunity to approve the request after it is developed. Mark Reed acknowledged that that would be the recommendation to council. Dr. Martin asked that under R-5 would there be no problem with selling by the people. Mr. Reed said that was correct. Mr. Campbell reported that at the present time in order to sell these individual townhouse units, it would require a special use permit each time it was sold. Mr. Martin asked if we have a solid opinion as to how long the special use permit lasts or does it go with the property or the person. Mr. Spitler reported that the Town's position regarding this is that the Special Use Permit would go with the person under the present Zoning Ordinance.

Mr. Borgie moved that we follow the recommendations as proposed. Mr. Schiro has discussed with the attorneys and would allow for us to recommend to council that this property be rezoned with the condition the Town Council will table the request until the property has been developed. The motion was seconded by Mr. Roop and the motion unanimously carried by a vote of the members present.

Planned Neighborhood Development Discussion:

Mr. Campbell reported he was at the Town Council meeting when these items were discussed and sent back to the Planning Commission for their input. The PND Zoning Amendment had previously been approved by the Planning Commission.

Questions and issues raised during the discussion:

1. 409.12, Paragraph B. Asking for flexibility for the Town Council to reduce buffer areas based on screening. The Commission recommended a 20 foot minimum.
2. 409.13. The issue is that the townhouse and multiplex units can not be sold as individual units as the ordinance is currently written. Asking that ordinance be amended to clarify that they can be sold as separate units. Add as paragraph D.
3. 409.17. Recommend that commercial development be limited to 7% of the total acreage in PND's greater than 75 acres.
4. 409.19. I. Base Density. The residential density (units per acre) agreed upon are as follows: R-1 (3), R-2 (4), R-3 (5), R-4 (6), R-5 (6) and B-1 (4)
5. 409.0. Jason Spitler brought to the attention of the Commissioners that the first sentence in this section should be: "Pursuant to Sections 15.2-2280 through 15.2-2316" of the Code of Virginia.

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6. 409.11. A long discussion was held on Paragraph A, but the consensus of the Commission was not to make any changes.
7. 409.13. After discussion of Paragraph B. 4, it was decided to leave it as is.
8. 409.18. First Paragraph – After a lengthy discussion, the Commission recommended no changes.

Jerry Schiro commented that Town staff will amend the language of the proposed ordinance and forward to Council for their next meeting. A copy of the revisions will be in the Commissioner's packets delivered prior to their next meeting.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Richard M. Black
Assistant Zoning Administrator
Luray Planning Commission