

## **DRAFT**

### **MINUTES LURAY PLANNING COMMISSION WORK SESSION APRIL 4, 2006**

The Luray Planning Commission met on April 4, 2006, at 3:00 p.m. for a work session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia. Ligon Webb, Town Planner presided over the meeting.

#### Commissioners Present:

Clifton Campbell, Chair  
Peyton Baughan  
Bob Borgie  
Sam McNeely  
Tom Potts  
Terry Dodson

#### Others Present:

Rick Black, Assistant Town Manager, Assistant Zoning Administrator  
Ligon Webb, Town Planner

Commissioner Judy Suddith was absent.

Ligon Webb, Town Planner, called the meeting to order at 3:01 p.m. He thanked everyone for coming to the meeting. In the future, if we have work sessions, we will schedule them after 5:00 p.m. since afternoon meetings are not convenient for everyone.

#### **1. General Discussion of Rezoning Process**

- a. Assigning each rezoning/special use permit application a “RZ” or a “SP” number.

Mr. Webb would like to use a new numbering system on rezoning and special use permit applications starting in June 2006. In the past, we have been using the date it was heard to give them a number. Rezoning applications would be numbered RZ06(the year) -01 (consecutive numbers). Special Use Permits would be numbered the same way using SP06-01, etc. This numbering system allows you to know how many applications you are receiving each year.

- b. Establishing a timeline with deadlines for submittal of rezoning and SUP applications.

Establishing a timeline with deadlines is a way for applicants and us to know if it is possible to get on the agenda of the next Planning Commission meeting. A deadline of the second Friday of each month was established for rezoning and special use permits. After filing the paper work, you would be put on the Planning Commission agenda for the following month and then it would go before the Town Council at their meeting a month later. At the end of each year, we will make a schedule for the following year and post it on our website so people will know when these deadlines for an application are

due. This is something that can be handled administratively, and we can just adopt. For the June hearings, we will go ahead and set May 12 as a deadline for all applications for rezoning and special use permits. For items that do not have to be advertised, and as long as we have them a couple of days before the agenda is drafted, it's OK to submit them. Mr. Black tries to get the agenda out at least a week in advance so the Commissioners will have a chance to look at it.

- c. Request for information/comments from various departments and agencies in regard to each rezoning or SUP application. (Agency Review)

Mr. Webb commented that if someone brings in their application and for instance want to rezone from B to R, where relevant, he will contact different agencies that would be involved, such as VDOT, Health Department, etc. and try to get comments from them so he can give the Commission the best possible information. Once he gets all the comments back, he'll compile this information into a report and send the report to the Commissioners at least a week before the meeting.

- d. Staff review of departmental and agency comments with applicant.

Once Mr. Webb gets those comments back from the different agencies, he'll probably call each commissioner individually and let them know about the comments made. After that he'll sit down with the applicant and go over these comments. He will let him know there are issues with these different agencies and that the staff feels he needs to address these issues.

- e. Planning Commission site visit(s)

Mr. Webb stated that if we have some comments, then we could all get together and go look at the site and talk about them. It would be like a work session; notify different citizens or whoever wants to come with us. Would do a press release in the newspaper, but not advertise it in the paper.

- f. An example of a rezoning report

As part of the rezoning, based on the best information possible, staff (Rick, myself and Jerry) would formulate some sort of staff recommendation for the Commissioners.

- g. Other comments or questions?

Mr. Webb asked if there were any other questions. Mr. Campbell replied it is what we have been doing in a less formal way.

### **3. General Discussion of Proffer Guidelines**

Mr. Webb referred to the inquiry he made with the Town of Blacksburg with regard to cash proffers. The correspondence gives you a good idea of what it would entail in determining physical impacts of developments. It really takes a strong capital improvements plan in order to justify why you need these specific funds and it doesn't appear that a lot of towns and counties are doing it right now, but believes a lot of people are thinking about it. Mr. Borgie commented that he thinks we should do it, but should coordinate with the County to make sure we are similar. Mr. Black commented we are working with Draper Aden Associates to get some basis for an impact fee for water and sewer hook-ups. Should have something by the May meeting.

Mr. Potts commented that he went to Richmond to get educated about land use planning, law, etc. in Virginia. Proffers were a hot topic at that meeting. He thinks we need to work on proffers and impact fees so when we start talking rezoning requests, we have the information in hand and have a policy in place.

Mr. Potts commented he would like Mr. Webb to find out if it is true that Loudoun County now requires cash up front on cash proffers. Was told that cash proffers are paid up front because they had problems with some of it evaporating as development occurred and when it came time to build whatever had been proffered, there was no money there and the developer didn't finish. Mr. Webb commented that usually it's the opposite. They give the cash and the County has to have a relationship between the impacts of development or the locality and then the money has to be spent specifically on projects that are related to this development. Often when localities haven't spent the money, and don't build in a certain time, it reverts back to the developer.

Mr. Webb commented that the Code speaks of voluntary proffers. Was discussing the process of going over the issues, going to the different agencies, as they apply, and we have a lag time before they go to the Planning Commission. They can voluntarily proffer on site those things that have a direct connection to the site. We can't tell them what to proffer, but can tell them what the issues are. Getting these proffers from the beginning as we work together, site visits, our conversations, and feedback from the different agencies, we can tell him what the issues are and he can decide if he would like to be cooperative or not.

### **4. Discussion of Comprehensive Plan**

Our Comprehensive Plan is in need of an updating. It appears we are going to try to attempt this summer to bring in a third party to work on an update. Mr. Campbell commented that it was started last year. Mr. Webb said we do have some of the demographics and foot work that has been done and that will help the process move along quicker. We would select a committee and anyone on Town Council or Planning Commission who wants to come to all of the meetings or wants to be on it is welcome. He commented that we would select a

committee and maybe every Council member can appoint two people. If anyone wants to select a Planning Commission person, it's OK. It would also be important since the connection with the County is strong, that we have a representation of citizens from the County. Will get the process going and it would be safe to give it a good ten months before you hold public hearings, break it down into work sessions with the committee and get a draft to the Commissioners to look at and make a decision to adopt or not. This is a document that will reflect what we want for years and we need to take our time and make sure it is exactly what we want.

The County plan was updated in 1999 and they are doing one of their annual updates that we discussed with the Planning Staff and Administration of the County. They want to create some sort of area around the Town that you could call a lot of different things – growth boundary, conceptual growth boundary, urban growth district – doesn't necessarily have the connotation that it is an annexation area. It means areas around the Town where we are going to see future growth pressures. It would make sense that we are in some sort of agreement where these areas are. They want us to have some input. Since the County wants to update their plan, and get this area in their plan, we could maybe very shortly have a joint session with the Page Planning Commission and draw that conceptual line. When we have the joint sessions with the Page Planning Commission and can find a conceptual area, we'll put together a report and some sort of executive summary and try to define those areas. Mr. Campbell commented that's a way for us to stretch out without annexation. Mr. Webb commented that for the short term, until we get our comprehensive plan updated, it's a joint vision with the County that we do see some growth in these areas. We have already seen requests from people who are interested in these areas and it is going to make sense that it look like the Town. Mr. Campbell commented that this is the same thing that Shenandoah is working on with the County right now. Rockingham has some of this and Elkton went all the way and annexed.

Mr. Webb stated that if everyone was in agreement, he will set up a time in the near future to get together and work with the County.

## **5. Discussion concerning Condominiums and Apartments**

Mr. Webb stated he did quite a bit of research. There tends to be a misconception that a condominium and apartment are the same. His impression, in talking with several other towns and looking at other ordinances, is that we should really just look at the use. We could probably agree that whether you call it a condo or an apartment, the use is the same. The condominium use really shouldn't be a factor; we're just looking at the use and not the ownership. Mr. Baughan stated that our ordinance simply says that apartments are allowed in the business district with a special use permit. Mr. Campbell stated that apartments in R-5 are permitted use, they are not special use. Apartment houses are permitted only by special use in B-1. Mr. Webb stated he thinks we should proceed by just considering the apartment and leaving the ownership issue as something we don't have the right to control.

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Mr. Webb stated that the luxury of special use is that we can look at each request and we have a little more flexibility in a special use permit in negotiating these conditions as we would as opposed to a rezoning.

Mr. Baughan stated he thought the Town recently adopted a density for the business district. Mr. Campbell stated that was only for the PND, it had nothing to do with any other zoning ordinance we have. Mr. Baughan stated you may have to say for apartment houses the density is this and for single family dwellings is something else. I think they have adopted formally a density for the B-1 district which was based on R-3 which is far less than what you need to do apartment houses. Mr. Campbell stated that's the reason he's asking for a definition of condos.

Mr. Potts asked if there is any sort of restriction or is there a guideline or do we need one that says for developing an apartment house or a condominium within the B-1 district, this is the residential capacity. Mr. Campbell stated that your density is being controlled by the number of apartments you allow in a building. We do have restrictions in B-1. Mr. Potts said he is not discussing it as the PND; he's raising the question whether the wording of the change that was applied to the PND was such that it applies to all B-1's now. Mr. Black stated he would get an answer from Jason Spitler.

Mr. Webb asked when you say define condominiums, do you mean just as an ownership style? Mr. Campbell stated that condominium is usually ownership style. Mr. Webb asked if we should add that as a definition. Mr. Webb stated he will look into adding condominium to our ordinance and be in touch with you as far as doing the joint planning commission with the County regarding the conceptual area we talked about and will probably get that going at the beginning of May.

Mr. Campbell stated that our next regular scheduled meeting is April 12 at 7:00 p.m. He stated that we need to move forward with our Comprehensive Plan because there is nothing mentioned in it about condos and all of this should be covered in the Plan.

### **New Business:**

Mr. Potts said he was not sure he knew what we want downtown Luray to look like in ten years. We have a historic district designated and it does have architectural standards to be applied between the Mimslyn and the graveyard. He proposed that we have the Staff coordinate with LDI and look at the feasibility of proposing an architectural standard for construction on Main Street, not just the historical district. LDI does have the authority under its charter from the State as a historic district to declare architectural standards and he'd like to see us discuss applying that, not just to the historic district, but to Main Street. Mr. Webb will try to find out something before the next meeting. Mr. Campbell stated that New Market's main street is similar to ours. Check with them and see if they have anything.

## **6. Other Business**

Mr. Campbell stated that we have asked for definition of condos. Should not issue special use permit until we have a definition on condos. If not, goes to public hearing as a condo change after public hearing. If approved by Council, then you can make your request. If you want to address opinion, your attorney and our attorney can get together and prove me wrong.

Under current Code, could it apply as an apartment house. Mr. Campbell stated that our ordinance calls for apartments 8 units per building. That's my opinion and our attorney has to change that. Mr. Black will get that opinion before next meeting.

Should we add condos? We should get our attorney's opinion on that before we proceed.

There being no further business, the meeting adjourned at 4:45 P.M.

Respectfully submitted,

Ligon Webb  
Town Planner

