

SUP06-4: Luray, LLC
Special Use Permit Application
for
Apartment Houses in the B1 Zoning District

Location and Proposed Use

The subject 4.8-acre parcel (Tax Map # 42-A10-A-67) is located on the 400 block of West Main Street, west of the Mimslyn Inn, and north of Page Community Hospital. The parcel is located at the intersection of Memorial Drive and West Main Street.

The applicant is seeking a Special Use Permit in order to construct three (3) Apartment Houses in the B1 Zoning District. Presently the parcel is an open field.

As required by the Town Code, the applicant has submitted a detailed Site Plan and responded to items A through N in accordance with Section 515 (Site Plan) of the Town Code. The Site Plan and responses to items A through N - in accordance with Section 515 - are attached.

Background

Luray, LLC of Bethesda, Maryland purchased the 4.8-acre parcel in September of 2005. Luray, LLC's managing member, Mr. Gary Modjeska, has indicated that he and the present owners of the Mimslyn Inn have a professional and personal relationship. According to Mr. Modjeska, the two parties are discussing multiple options to allow residents - from these proposed Apartment Houses - to access services and amenities at the Mimslyn Inn. The Site Plan shows a pedestrian connection between the Mimslyn Inn and the subject parcel as a means to facilitate pedestrian movement between the two properties.

Conditions of the Special Use Permit

Luray, LLC has voluntarily submitted the following conditions as part of their Special Use Permit application:

1. No building will contain more than twenty-five (25) separate dwelling units.
2. The owner will widen Memorial Drive in order to accommodate a right and left turn land at Memorial's intersection with West Main Street, and will add a left turn lane on Memorial Drive into the entrance of the development.

A signed copy of the applicant's letter - stating the voluntary conditions imposed on their Special Use Permit - is attached.

Memorial Drive and West Main Street

As detailed above, the applicant has submitted specific conditions to improve the intersection of Memorial Drive and West Main Street. On May 25, 2006 the Town Planner, VDOT officials, and Mr. Gary Modjeska visited the subject parcel. During this

meeting VDOT recommended that several improvements be made to the intersection of Memorial Drive and West Main Street. Mr. Modjeska concurred with these recommendations and a letter voluntarily submitted by the applicant reflects VDOT's recommendations.

A correspondence from VDOT –dated May 31st – stated, “[VDOT] would also **recommend that the Town consider** a 50% participation signalization agreement and bond with the developer for the design and installation of a traffic signal. This development **as well as the large one proposed to the south may warrant** a traffic signal at the Memorial Drive/West Main Street intersection.”

Mr. Terry Short, VDOT's Staunton District Assistant Planner, recently indicated that a 50-percent contribution (by the applicant) for future signalization of this intersection would likely not be proportional to the impacts created by this proposal at the intersection of Memorial Drive and West Main Street. Further, even though Mr. Modjeska is one of the owners of the land on which a larger development might potentially be proposed to the south, the potential of development on a different property by a different applicant should not cause additional conditions to be applied to this application. VDOT has not provided additional comments concerning this request.

It is the opinion of the Town Planner that the applicant's proposed improvements to the intersection of Memorial Drive and West Main Street are sufficient to mitigate the potential traffic impact of the proposed use. Furthermore – considering the absence of an official traffic analysis – it is conceivable that the improvements proposed for this intersection exceed the potential impacts generated by this request. The Town - in conjunction with VDOT - will continue to examine the potential need for future signalization of this intersection when future request, which directly impact this intersection, are received by the Town.

Other Considerations

- The County Building Official, Mr. Kenneth Fox, met with the Town Planner and the applicant to discuss building code standards related to fire ratings for Apartment Houses. Mr. Fox expects that the proposed structures will need a sprinkler system, and be required to employ specific construction specifications in order to achieve the necessary fire rating.
- While the submitted Site Plan does not show the proposed improvements to the intersection of Memorial Drive and West Main Street, the applicant has agreed to have his engineer redesign this intersection in accordance with the conditioned improvements to Memorial Drive. If the Special Use Permit is approved, the applicant will employ Bushman Engineering to add the Memorial Drive improvements to the Site Plan and submit a signed and sealed copy to the Town for final review by the Towns' engineer.

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Tax Map: 42-A10-A-67
PC Hearing: June 14, 2006