

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
MARCH 16, 2011**

The Luray Planning Commission met on Wednesday, March 16, 2011 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 at which time there were present the following:

Commissioners Present:

Tom Potts
Clifton Campbell
Larry Hakel
Pam Flasch
John Meaney
Ronald Good
Joey Sours

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Town Attorney, Jason Spitler

Chairman Tom Potts called the meeting to order and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

A motion was made by Commissioner Campbell that the minutes of February 16, 2011 be approved as presented and seconded by Commissioner Hakel. The vote was as follows:
YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney and Good.
APPROVED: 7-0

PUBLIC HEARINGS: Special Use Permit Request

Mr. Ligon Webb stated that Rutt Enterprises (Mr. John Rutt) is requesting a special use permit to operate a storage warehouse in an M-1 industrial zoned parcel. In the M-1 district, all uses require a special use permit. The storage warehouse would be operated by Page One's Family Assistance and Food Program. The subject parcel is approximately 1.3 acres in size, and contains an existing structure which would be the location of the proposed use. The parcel's postal address is 104 North Hawksbill Street and will also be accessed from North Alley. The building that's there is currently used in part by Showalter Signs. The applicant is putting up a fire wall to separate the two. The space itself is approximately 2,000 square feet, and will have shelves for their food pantry and a small office.

MINUTES
MARCH 16, 2011
PAGE 2

Commissioner Potts then opened the Public Hearing. He asked if anyone from the public wished to address the commission on the proposal. There being none, the public hearing was closed.

Commissioner Hakel stated he needed to direct a question to Mr. Spitler. He asked if he was considered to have a conflict of interest since he was recently elected to the Page One Board of Directors. Mr. Spitler indicated that he did not believe so, but left it to Mr. Hakel's discretion. Commissioner Hakel stated right now he thinks he could make an unbiased decision.

Commissioner Potts stated it seems to him to be a contributory approval to have them able to help Page One. Commissioner Hakel stated basically they are moving into that new building their food pantry and their family assistance and what that will do is free up the main floor of the thrift store so it won't be so congested with people waiting around. They have the furniture over there already and they will continue to have the furniture over there; it's just opening another part of it for the family assistance and food pantry.

A motion was made by Commissioner Good and seconded by Commissioner Campbell to approve the request as submitted. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney and Good. **APPROVED: 7-0**

PUBLIC HEARING: Rezoning Request

Mr. Webb stated this is a rezoning request RZ11-1. The applicant, Page Memorial Hospital, is requesting to rezone an approximately 13.4 acre parcel from R-3 (high density residential) to B-1 (general business). Mr. Webb had provided all of the members with a packet of information, and indicated that the rezoning would align the actual use of the property to a more suitable zoning classification.

However, as part of this rezoning, all on-site and off-site improvements should be carefully evaluated and considered.

Mr. Webb presented a slideshow and explained what is transpiring and in the future will transpire for the hospital property and surrounding properties. He indicated that the hospital is proffering to maintain any future medical-related uses as by-right, but to make all other uses in B-1 that are not related to medical projects by Special Use Permit only.

Mr. Webb stated that the Town of Luray wants to facilitate these improvements to that area of town, and also to contribute to these improvements as well. The most substantial

MINUTES
MARCH 16, 2011
PAGE 3

improvements proposed in this section are the roads. Mr. Webb reviewed a listing of other potential improvements to that sector.

Mr. Webb concluded with the observation that the new Medical Office Building that is currently under construction, and planning for a new hospital, will greatly enhance our community.

Commissioner Hakel asked about the timeframe for the Blue Ridge Village project on Montvue Drive. Mr. Webb indicated that after the initial discussion, and since the economy has taken a down-turn, he does not have any idea when they expect to begin.

The Commission discussed and agreed that all of the needed and proposed improvement to that sector occur over the same timeframe for the planned developments, with equal shares handled by all parties involved.

Commissioner Campbell stated that it is imperative for the Commission and the Council to consider all of the items now, rather than piece-meal as situations arise.

Commissioner Potts stated he doesn't have a problem with discussing all of the issues now, but what he has problems with is trading crown jewels for nothing. By that he means should we grant a rezoning of the property, we forfeit any further appearance before the Planning Commission to take care of all those other things that you are talking about that are supposed to develop over time and we lose the one negotiating point that we have; that is, every time the applicant wants to do something with that property, they have to come to the Town and tell us what you are going to do about traffic, etc.

He cannot believe that a corporation with the financial assets this one has, would come to the Town of Luray with a proposal that says they offer to widen a road and put in turn lanes, but that the Town of Luray is responsible for obtaining the land to complete the project. In the same vein, that the hospital's building timeline will not be delayed by the Town's inability to obtain the land.

Chairman Potts indicated that he has spoken with the Town management, and the Town is not inclined to buy or obtain any property at this point to facilitate this or any development in that area.

He is just in shock that a corporation that is the third or fourth largest health care organization in the state would submit this sort of proffer statement. He suggested that had they gone to some other municipality, they would have been thrown out on their ear and told to come back with a complete plan if you want to do it in that time frame. He

MINUTES
MARCH 16, 2011
PAGE 4

suggests that the applicant come back with a plan to equitably divide the needed improvements that will be required over time by the proposed developments, before we agree to give you carte blanche to develop by-right.

Mr. Webb stated there are some items, especially statement #2 in the proffer, that contain some wording that the hospital realizes needs to change in some fashion.

Commissioner Campbell stated he thought it can all be worked out, especially if the surrounding owners converse about the subject. He thinks it will take time; he doesn't think we need all this tonight and come up with all the answers because we will not have all the answers. He thinks we need to do a little more leg work with the people that have already been to us, and made proposals. He believes this should be done prior to considering approving this project.

Commissioner Potts agreed, and stated he thinks there are plenty of meetings and negotiations that could have taken place that would have delivered to us a proposal that would meet the needs of all involved by sharing the responsibilities fairly. The Town can not accept funds as a proffer, so all of the parties need to agree to absorb their share of the necessary improvements. There must be some sort of binding agreements and proffers in place.

Mr. Webb stated this is kind of a piecemeal approach and he thinks that's usually how it's done. Commissioner Potts disagreed, and stated rezoning is not a piecemeal approach. Mr. Webb stated that improvements to public infrastructures are usually done in this fashion. We are dealing with five or six private property owners (with no one willing to commit at this point) and the request here is to rezone the property because they are going to build a new hospital.

The hospital is currently proposing to put in a right turn lane, and that is no small investment. Does what they are offering for this rezoning or a special use permit – is that equal in fair proportion. He thinks if you start looking at all the other things – what this person might do and that person might do, it's going to be very difficult. We also, as a Town and Planning Commission, already have to have a plan; it's not a secret, so when those guys from Montvue come up and say I want to submit this final plat for these lots, we say we have this lane up here and we have an issue; we have a traffic balance; it might be light here, what do you think?

Commissioner Campbell stated the installation of sidewalks is to the hospitals advantage right now.

MINUTES
MARCH 16, 2011
PAGE 5

Mr. Webb stated sidewalks are a great idea; however, not everything is going to come at once. It's going to phase in like the rest of the development as the corridor develops. It's our responsibility to make sure that it does. Once again the request is to rezone; here's what they offered. As he sees it, number two proffer is an issue; they know that; so maybe we can work from there.

Commissioner Sours stated that the TIA does account for other developments in this corridor. His question focuses on what portion of the developments need to be constructed before a traffic signal is warranted, and whether there is some tolerance built into the studies to allow for variations in development.

Mr. Roderick indicated that warrants for a traffic signal were not completed since they were not asked for, nor does there exist enough information in the previous study to base these on. It can come down to the Town simply saying they want a signal there, or that additional data is generated to base the signal warrants on. Mr. Roderick stated that in order to be accurate, a revised analysis would need to be completed if there was a substantial change to the development plan content or timeframe.

Commissioner Campbell stated he thinks the idea to build a new hospital is wonderful because it is progress and it definitely will help the community, but let's do it right.

Commissioner Potts stated he doesn't have any problems with the proposal to build a new hospital. What he does have a problem with is giving away our negotiation ability in exchange for a promise. He feels that the Commission has been rushed on the topic, and rushed through the presentation, and rushed to make a decision. He indicated that the last time the hospital was here they got away scot-free without having to make any up-grades to anything.

Commissioner Potts indicated that he still believes that it is a travesty to expect the taxpayers of Luray to have to come up with the money to buy, or otherwise acquire property, so that the hospital can complete needed road improvements.

He reiterated that we need to know what all of needed improvements to that sector are, and what impacts the various developments will have on that area. Getting the applicant to agree to one or two items may be relatively easy, but are those all of the items they need to be responsible for in the total scheme of things? He stated he did not know, and until a lot more contacts and conversations were made between town staff and adjacent owners, he will never be comfortable making a decision on this rezoning request.

MINUTES
MARCH 16, 2011
PAGE 6

Mr. Webb indicated that all applicants still have to file site plans, and construction documents that conform to our Code. He emphasized that the town would have an opportunity at that point to review those items.

Chairman Potts stated that was correct, but as far as the Planning Commission and Council were concerned, they would have no real say in the matter once development becomes by-right.

Commissioner Campbell stated that maybe a condition to the rezoning approval would be that the Commission and Council still get to review everything.

Commissioner Sours stated that he wanted to see what the margin or buffer of available traffic loading on Memorial Drive would still be present once the new hospital was completed. He hoped that Mr. Roderick's presentation would show this.

Mr. Webb stated that even as it is today without any development, most of you probably agree that a right turn lane would be a good idea on Memorial Drive at West Main Street.

Commissioner Potts said yes, but we don't have the mechanism for addressing that situation, nor is it in the town's street budget.

Commissioner Hakel stated one way to proceed with this is to hear Mr. Roderick and fully evaluate the TIA that was conducted.

Mr. Seth Roderick, PE, with Valley Engineering, representing the hospital on this application. His background is in traffic engineering, and he completed a short TIA based on previous traffic counts. Mr. Roderick gave his presentation on the results of his analysis of the data, and the planned developments by the adjacent property owners. In sum, differentiated turn lanes on Memorial Drive were needed to help traffic flow. He also stated that the installation of a traffic signal at this intersection, regardless of differentiated turn lanes, would greatly assist traffic flow on Memorial, and not really impact traffic flows on West Main.

He encouraged the Town to have a formal warrant analysis of the intersection for a traffic signal if they elected to go that route. He and his staff tried to prioritize the necessary traffic improvements in this area of Luray.

Mr. Roderick indicated that the hospital would build a new right turn lane on Memorial, but that this action would relieve Mr. Modjeska of his responsibility to do the same thing if his property were ever developed as approved.

MINUTES
MARCH 16, 2011
PAGE 7

Mr. Roderick also informed the Commission that the Hospital could provide the Town with full construction plans for the entire roadway in order to assist with the development of the area. He indicated that these two items (turn lanes and construction plans) would cost on the order of \$150,000 to \$200,000. They feel that this is no small token, and that might be approximately a third of the overall improvement needs for the area.

Commissioner Sours questioned Mr. Roderick about the TIA and asked whether the impact of a new hospital, along with the other proposed developments, would significantly impact the traffic issues. Mr. Roderick responded that yes, some traffic improvements would need to be made. We looked at the entirety of all the developments coming in and tried to piecemeal out those developments on a priority basis. To answer your question, as is, that hospital will probably go in and it's not going to have an impact greater than what is out there now. The stacking lanes that you have there now are not going to be greatly exceeded. You are talking about 17 extra vehicles leaving during the peak hour, one every 3 ½ minutes, so your stacking levels are not going to be drastically noticeably different. If you put in that turn lane, everything goes pretty well, we were as conservative as could be meaning that we placed as much traffic on this and made assumptions and placed as much traffic at that intersection as possible. Mr. Roderick stated that without having looked at the data on a piece-by-piece basis, he felt that if the turn lane goes in, the intersection is going to function much higher than it is now and other developments could still be pieced in a little bit and you are still going to be well under the levels to warrant a traffic signal.

The Commission then discussed whether a signal or turn lanes would be safer at this location. Mr. Chrisman added that a signal would likely be the safer option since sight distance there now is very difficult. Turn lanes will likely compound this issue. The Commission agreed that maybe other alternatives needed to be explored.

Travis Clark, President, Valley Health, Page Memorial Hospital, spoke briefly to the Commission. He expounded on the good relationship that the Hospital has with the Town, and his desire to keep things moving forward.

He started by discussing the Medical Office Building, and continued: our goal is to have that completed in October or November. We are currently working on our certificate of public need application to build a hospital on our campus. The certificate of public need is required by the State for major health care projects and one of the elements we need to address and we have had a discussion tonight about this, the zoning of our property. Our goal is to submit the letter of intent of public need by June 1. Then what happens from June 1 to the end of the year; in December the State Commissioner of Health reviews all the documents, asks a lot of questions, has public forums and then our goal is that we

MINUTES
MARCH 16, 2011
PAGE 8

would have an approval from the State Commissioner of Health by the end of the year; on or before December 31st. At that point, if everything has gone as planned, we can begin construction on the new hospital. The hospital size – we are building about 70,000 square feet which will take approximately 18 to 24 months to construct. This is a project that we are very excited about and we are very fortunate to have Valley Health come into the community of our size to make the commitment that it has made. Unfortunately, we do have a lot of challenges and everybody is aware of those challenges and the community of 24,000 or 25,000 people with an unemployment rate of 12%, it makes it very challenging to sustain operations in any health care environment. We are very fortunate that we have a hospital in our community. Our goal is to replace the core that we have. Our hospital was built in 1958 but we have done additions to the hospital over the past 50 years, but we are at the point where basically we need to replace the hospital. Our goal certainly is that when we replace the hospital we will continue to provide quality health care services and also be a catalyst for some economic development here in the community. We certainly have a strong interest in that as well. Our goal is to build a hospital of about 70,000 square feet. It is still going to be a critical access hospital. Critical access hospital is what we are designated now and it's the smallest hospital classification we have through Medicare and license for 25 beds. At this point, if we are very fortunate, we do want to grow services. However, this is just one part of the piece. The harder part of the piece is building programs and services that people will use. It's not easy to recruit doctors, it's not easy to recruit specialists and so we believe having a new hospital and medical office building plus the beautiful town and county that it would help to encourage doctors, nurse practitioners and other health professionals to come to our area and practice medicine. That's basically where we are at – we are working on the Certificate for Public Need and wanted to come before the Town Commission to discuss our request to rezone the property. I'll be more than happy to answer any questions you may have regarding the size of the hospital, services, what we are proffering for this new hospital.

Mr. Webb asked Mr. Clark to clarify the statement about partnering together to obtain any needed land.

Commissioner Meaney stated he would like to make a general comment. I think this is a very positive situation. I think we have gone a long way; both sides but I think we are wasting our time tonight. I think we all need to get back together and take a position and if that's out of line Mr. Chairman let me know.

Commissioner Potts stated only a little bit; have patience. It's not out of line, its part of the discussion we need to have tonight.

MINUTES
MARCH 16, 2011
PAGE 9

Commissioner Potts stated that he has significant concerns about the intersection of Memorial Drive and West Main Street. Particularly, he is concerned about the topography of the intersection, and that a significant hill is present which impedes safe travel. He also asked the question of what the proffers do for the Town of Luray and its citizens. The Planning Commission is responsible for land use management and making recommendations to the Town Council on how best to accomplish that. Chairman Potts advised Mr. Clark that he was appreciative of his comments, and the background information he provided.

Commissioner Campbell asked Mr. Chrisman if Memorial Drive is dedicated to the Town of Luray at this point. Mr. Chrisman answered yes. Commissioner Campbell asked where does the land come from to widen Memorial Drive. Mr. Chrisman stated property acquisition or dedication; preferably property dedication from adjacent project developers. Typically it is equally shared by adjacent property owners on each side of a road. To the best of our knowledge, there is a 30 foot prescriptive right of way along Memorial Drive now. Initially it would be 20 extra feet, so we should be looking at 10 feet additional from each side to give us the 50 foot right of way that would be required to hold a minimum 30 foot pavement width in order to meet VDOT secondary street standards. Typically, you contact those adjacent property owners and say the Town would like to acquire some additional dedicated right of way.

Commissioner Campbell stated that in order to obtain more right of way, it appears the Town would be dealing with the two private parcels along Memorial Drive, Montvue, the Rescue Squad, and the Hospital. Mr. Chrisman replied that was correct.

Commissioner Sours stated that he thought the crux of the issue was to obtain more land for right of way. He asked why we don't just ask the adjacent property owners for this.

Commissioner Sours wanted clarification from Mr. Clark that the hospital was saying that the Town was responsible for obtaining this additional property. Mr. Clark responded yes, that was the hospital's position at this point.

Commissioner Campbell indicated that we should consider these issues promptly, and try to move towards a solution together. Mr. Clark agreed, and indicated that it was not the intent of the hospital to rush the Town. He did state that delays at the front of the process will result in delays on project completion.

Commissioner Potts asked if anyone else had any questions. There being none, the Public Hearing was then opened.

MINUTES
MARCH 16, 2011
PAGE 10

Mr. Tom Rice, 140 S. Court Street, Luray, VA

Mr. Rice stated I represent the house where the old hospital used to be on South Court Street. My wife and I were walking around that corner that Mr. Potts was discussing a little earlier and we almost got run off the road by a couple of cars coming down that hill. I looked at the side and there's a 3 or 4 foot ditch, so we could almost gotten run over and been another casualty. I would strongly recommend that you don't let them do anything until they build a sidewalk up through there for pedestrians trying to get out of that parking lot. It's so dangerous. On a dark night there is no lighting, there's cars flying around that corner; very dangerous.

The back yard where I used to live is going to be a total parking lot and I would like for them to build a privacy fence along there because I'm sure they will have room for 100 cars and those people are going to kind of wander around a little bit while they are waiting to get in and out of the hospital, so I'd like to have a privacy fence built. I talked to one of the guys working there and he said I would suggest you talk to the Planning Commission because our guys don't do anything they don't have to do. That was his comment. In other words, they don't have a budget to do anything if you guys ask them to do it, the Planning Commission asks to do that, then they are going to listen to you. He agreed with Mr. Potts that the time to make these suggestions and requirements is now, while negotiating power still rests in the hands of the Town and its citizens.

I have an aerial picture of the old hospital, and the house behind it where I grew up. I would like a 7 foot privacy fence built along that 500 or 600 feet that we join with the hospital. The other day we had two helicopters coming in, one on top of another, and that's not infrequent. This roadway here is so dangerous I would challenge any of you all to walk this at night and have a couple of cars come down there and you know what kind of conditions some of our residents happen to be driving at night when they are going to visit their sick relatives in the emergency room. If you don't have a sidewalk up there, you are looking at a significant hazard. They should address that issue.

It's a beautiful thing and I want to commend everybody that had to do with building the new hospital; we need it badly and that's what I have to say. I would like for you to ask them to build a privacy fence along this section right here or at least part of it so people won't be coming into those yards. Commissioner Potts thanked him for his comments.

Commissioner Potts asked if there were any other public comments. He stated we have gotten a lot of information tonight and we have some insights into what the driving forces are.

MINUTES
MARCH 16, 2011
PAGE 11

Commissioner Hakel moved that we continue the public hearing on rezoning of Page Memorial Hospital property to a later date to allow us more time to review and to consider the materials that were presented here tonight and get a better knowledge of the issues before we make a decision. Motion was seconded by Commissioner Flasch. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney, and Good. **APPROVED: 7-0**

Mr. Webb stated that next month, we will re-examine the issues. In the interim, he agreed to talk with all of the adjacent property owners about these and other issues.

Mr. Webb stated we may get everyone in here one afternoon or evening and just sit down with these slides and obviously anyone in the area is invited to come to this and we'll try to talk out some things and see if we can bring something back to the Commission.

Commissioner Campbell stated that we need to study the issue of the sidewalk.

Commissioner Hakel asked if the sidewalk is typically located within the right of way. Mr. Chrisman said yes. Mr. Chrisman stated that in a typical 50 foot right of way, you have the ditch lines, graded shoulders, sidewalks, utility strips, curb & gutter, and 30 feet of pavement width. Sometimes some of the ditch lines and grading are on private property, as are some of the utilities in certain instances.

Commissioner Campbell stated he agreed that the sidewalk should be one of the priorities. He also stated to be sure to involve the Rescue Squad in the discussions.

Commissioner Potts asked if the rescue squad parcel needed to be re-zoned, and if so, can it be done at the same time? Mr. Webb stated we can discuss it; I guess it would be up to the people at the Rescue Squad if they wanted to do that; it would be a separate request. Commissioner Potts confirmed that he would like VDOT's comment on the issue of the intersection. Mr. Webb said he would get in touch with them.

Commissioner Good stated he would just like to echo some of the things Mr. Clark was saying about the value of the hospital to the community and the prospect that the new hospital to me is exciting and it's something the community is going to benefit from for years and years to come. I was also thinking about this today and I was going to say that I have had a relationship with PMH for almost 65 years now. The old picture that was passed around and have this as part of our community, I think it is an asset, not to mention too the 200 or so employees. The hospital is one of the larger employers in the county and we would like to help them. Commissioner Potts stated it's certainly a great corporate value.

MINUTES
MARCH 16, 2011
PAGE 12

Mr. Webb stated he will be working on this during the next month and have a meeting to discuss it. Commissioner Potts stated we may need to have a work session as well.

Commissioner Potts asked Mr. Webb if he had any further business.

Mr. Webb stated the last item – Stoneybrook Meadows Apartments – the applicant has withdrawn their request entirely. Their market need study did not indicate enough need for their proposed type of housing in Luray at this time. However, Mr. Webb said he would still like for the Commission to consider maybe adding an “apartment house” definition where we have the “garden apartments”. Maybe just consider adding an “apartment house” that doesn’t necessarily set an upper limit on the number of units. Still would have to follow the site plan requirements; Section 515 requirements. The number of apartments would be dictated by the size of the parcel and things like that.

Commissioner Potts asked if we could put it off until we get the agenda cleared. Mr. Webb stated there is no rush on this one but you have read it and you see the nature of the request and you might see something like it again at some point in the future and it’s just something to think about.

Commissioner Potts stated that for those who have been to the training, Pam started hers just recently sharing experiences there before the meeting started, and I wish her well as she dives into the reading and all the exams now. Commissioner Potts asked if there was anything else. A motion was made by Commissioner Campbell to adjourn and seconded by Commissioner Good. Motion carried and meeting adjourned at 8:28 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
