

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
JANUARY 13, 2016**

The Luray Planning Commission met on Wednesday, January 13, 2016 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:

Ronald Good
Grace Nowak
Mark Malone
Tracie Dickson
Brian Sours

Absent:

William Fisher
John Shaffer

Others Present:

Charlie Hoke, Town Manager
Ligon Webb, Town Planner
Bryan Ailey, People Inc.
Bryan Phipps
Tyler Austin, Racey Engineering

The meeting was called to order by Chairman, Ronald Good, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Commissioner Nowak made the motion to accept the minutes as corrected from the November 10, 2015 regular Planning Commission meeting and seconded by Commissioner Sours: YEA: Commissioners Good, Nowak, Malone, Dickson, and Sours. **Approved 5-0**

Public Hearings: Rezoning Request:

Commissioner Good stated we have two rezoning requests and each of these have been properly advertised in the *Page News & Courier* as required. The procedures that we follow is the Town Planner will give a report on the rezoning request, then the applicant, People Incorporated, will make a presentation, and we will then have a public hearing.

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Mr. Webb stated the first request is People, Inc. and Page County Community Developments, are requesting to rezone approximately 8.5 acre parcel located in the Town of Luray from PND (Planned Neighborhood Development) to R-5 (Townhouse and Apartment Residential). If this is approved by this body, this is simply to review and make a recommendation that would be forwarded to the Town Council.

The applicant is seeking on this 8.5 acre parcel to construct several apartment buildings that would also include a community center; a total of 52 individual units. Mr. Ailey from People Inc. will show us the site plan. In 2005 the Town adopted the PND ordinance. Basically it is a zone where you can do a mix of townhouses, duplexes, and single family homes. In 2011, 10.9 acres were purchased by Baker Development. In March 2013 Parcels 1, 2, and 3 came into the town through a friendly boundary line adjustment. That started in 2013; they brought us an agreement and this was to be included in their planned neighborhood development. There was a joint hearing between the Page County Board of Supervisors and the Town Council in June 2013 to bring this in and that was officially recorded and eventually became a part of the town. Note: This area that was purchased, the Airport Road would be relocated and this would give this actual road frontage. Last November a proposal came forward to use this 8.5 acres and to take it out of the PND and go into an R-5 (Townhouse and Apartment Residential).

As far as the apartments, Mr. Webb did a basic analysis on the traffic impacts and VDOT has some data from road counts. From Airport Road to Homestead Drive the annual average daily traffic is 990. From Homestead Drive all the way to out to Bixlers Ferry they had a count of 720. From that estimation the design capacity of Airport Road is probably around 1,000 to 1,500 trips per day. Estimating traffic for the apartments, a fairly accurate number is 6 trips per day. Each apartment can be expected to generate around six trips. Out of this potential development of 52 units, you could have something like 300-400 trips a day.

As proposed, the first building would be about 550 feet from the edge of the runway and then you come about 40 feet off for your first building about 590 feet and would be in compliance of that Part 77. He still has to submit an application to the FAA to determine their compliance and it looks like it would be in compliance.

Water and sewer are available. One thing that is interesting to note is that this type of construction is what they consider an earth craft construction that means it is built to a very high efficient green standard more so than maybe your typical apartment building. The road relocation is supposed to take place this spring and continue through the end of this year and end in the Spring of 2017. Looking at this project, and all of you on the Planning Commission have been involved with People, Inc. and have received a good education of the importance of what they do. Mr. Webb stated the location to him is not ideal. This is something that Luray needs and the market study has been done.

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Bryan Phipps from People, Inc. stated Ligon did a good job of laying out what our overall goals are in pursuing this project. People, Inc. was designated as the community action agency for Page County and the Town of Luray back in 2009. A community action was started in the mid-1960's as part of Lyndon Johnson's efforts to alleviate poverty in communities throughout the nation. One of the primary ways they tried to do that was by creating a new type of non-profit organization that is known as the Community Action Agency

People, Inc. has completed 15 of the housing projects we talked about doing in Page County and have approximately 550 affordable housing units under management. We have done this before in many communities throughout the state. Many of you may have some familiarity with our efforts last year on Collins Avenue in trying to put a very similar project proposal together. In working through that process we encountered some unanticipated infrastructure issues with the site we were looking at and we were not able to get it to a place where we could afford to build it and to be able to build it like we wanted to. In doing that, rather than removing our commitment or our desire to produce affordable housing in Page County, we began looking for a small permanent site. In working and networking with the people in the community we identified the subject site and the more we looked at it, it may not be the best perfect type to build it on. There are issues that are associated with it in some ways, but on balance, comparing that with availability with other tracts in the community with affordability issues with access to the infrastructure that we need to make it work, it works very well for our needs and we know that we can build a quality product there if we are able to move this project forward.

Whenever we construct a new development in a community, we are initially making a 15 year commitment to that community to continue operating it for the purpose for which it was built. In doing so, we also execute what is known as an extended use agreement where we most likely will be operating this for the next 30 years provided that the project remains intact and in operation. This is not something where we come in and build units, receive boat loads of money and leave the area. We are about providing permanent housing solutions for folks that live in Page County. In looking at this site, knowing that at this point it is currently zoned as PND and looking at what could be built out there now, it is our understanding that with the current zoning that is in place with the property, it can support 80 townhomes, by-right on the parcel of land we are talking about. What we are looking to do is essentially not building townhomes, but building 7 structures. We are going to have 54 units, so we are actually able to decrease the density versus what's already currently allowed there by-right and what's already permissible within that zone.

Bryan Ailey stated the main thing that I want to mention is the current zoning that has already been discussed. When we met two months ago and talked through the zoning the first time, I think we had a little bit of confusion what the current zoning was and it has been clarified since. With the current zoning being PND, we are asking to go in R-5. We are not asking for any increase in density. It's strictly a type of apartment housing basically the verbiage townhouse to a

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garden style apartment; ground floor type of unit which increases the accessibility of the project for the residents. From the land use side, probably the biggest key is in the current zoning. The tax credit represents the equity which comes with this project.

There will be seven buildings on that site decreasing the density that is currently allowed and is on the site plan. Just for a visual reference we are talking about two or three bedroom apartments. Most of the rental market here stays well leased, low vacancy rates which is great for the people that own them and that means there is a demand for the units. We show a demand of at least 300 more, we are just trying to put 52. We believe the demand is there based on the due diligence that we have done; we believe this site will accommodate with the zoning change and we believe the product would be high and the long term commitment to Page County and the Town of Luray would eliminate a lot of headaches that you might have otherwise. I personally feel like the site is actually a good site for it with the proximity it has to potential employment. There's not any public transit, so there's not any good way to connect necessarily everything in Luray. There are several commercial properties out there. From the zoning perspective we are taking a lateral step into the actual type of apartment we described. Not necessarily any deviation from the use; just kind of a deviation from the type of unit.

Tyler Austin, Racey Engineering, Project Engineer on this project. The proposed layout we have provided to the Town fits the PND zoning we have now with the setbacks. Airport Road will be relocated. The road frontage for our parcel with seven buildings along with the community center. In the layout, we have met the PND setbacks, we have met all the requirements of the Town Code and we have left areas for storm water management. This layout fits well. Mr. Phipps talked about where the site is located and its accessibility patterned that road frontage. At the Collins Avenue site we had to basically build a road to get in there. This site lays pretty well for the development. We have a higher density and want to spread this out and make sure we have our open space. Utility connections are feasible; water and sewer is very hard to get. Like Mr. Phipps said to get our site with what we need with the utilities there. We are very fortunate to have found this spot. Ligon showed you on the GIS map where the relocation of Airport Road is and also the relocation of the property lines. Our parcel is already zoned for residential dwellings. We feel like this is a good fit for this area; it fits with the zoning we have in place and we would hope that our neighbors as well as the airport will be favorable for this kind of development being it is less dense than what is actually permitted.

Commissioner Good stated that is the layout of the project from the zoning request standpoint. The public hearing was then opened.

Bob Case – 522 Westlu Drive which is right at the back of where these buildings are going to be. I have two questions. I am going to lose my view if those go in because I don't want to look out my back door and look at the back of these buildings. How far back on the property are these buildings going to be. My house comes within maybe 40 feet in the back of my property and

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these buildings are going to be back towards me. I can't figure out how close to me they are going to be.

Bryan Ailey stated a couple months ago we had a site visit with the Planning Commission. When they got to visit the site we flagged it so everyone had a chance to see where this site laid and actually Airport Road will be higher than where it is now and our dwellings will set lower than that road. The Planning Commission enjoyed going to the site and seeing exactly where it fit in and actually it fits nicely in that corner out of the way.

Paul Quigg – 661 Beal Avenue – I am a retired architect and planner with over 40 years' experience in Virginia. I have looked at the reports and the market and traffic studies and I have no real concerns with that. I have been impressed with the Virginia Inc. mode of operation. I think they look like a quality organization which we should encourage to participate here in Page County. A town of this sort needs to have an urban core with the commercial development in that area with the higher density in the fringes of that urban core and scaling down as you get down to the county level. I think this project does exactly the opposite. It put the density at the very fringes of the town which was extended just to get this property in the town. It's really about as far as it can get from the core of the town and this is going to be a burden on these people to access. We do have the shopping center fairly close and I don't know if there is any connection between them; they may have to go around Airport Road. One of the very basics of planning is that you never put residential next to an airport. It's nothing more obviously rebellious to do something of this sort; it just doesn't work. That area along Airport Road should be light industrial type of use; warehousing, storage, small body shops and that sort of thing and there is no justification for this density of housing at the very fringes. We are just doing the opposite of what good planning would be. I sympathize with their problems looking for a site. I think this is absolutely in the wrong place for something of this sort. The noise consideration from the airport and I live about a mile from the airport and while the airport noise is not terribly offensive to me, I am certainly well aware of it quite often. It's just not good planning to put this project at the extreme end of the town property and up against the county's lower density.

Powell Markowitz - I am a member of the Airport Authority and I have provided you folks with a copy of the land use compatibility plan we did several years ago and echo what Mr. Quigg said about addressing things like noise, fumes and light pollution and that sort of thing from airplanes and from the airport. The plan says it is not a good idea to put residential, schools, or day care centers any place where kids are sleeping or such uses as that near an airport. It's just not a good idea. We have in our plan to build a taxi way between the existing runway and the site of this development which would be 240 feet from the center line of the runway. The parcel we purchased to relocate the road will also have the taxi way and when an aircraft is taxing it makes a considerable amount of noise and creates more fumes and of course the lights and that sort of thing. That occurrence of fumes, noise and lights will be 240 feet closer to this project than the traffic on the runway. The residents there will complain; they will ask that the use of the airport

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be limited and will create concerns. We have spent a great deal of money; \$15M so far in improving the airport and we have on slate another approximately \$18M of improvements on our capital improvement plan for the next couple years and that will take our runway out to approximately 4400 feet which will attract even larger aircraft that make a lot more noise and create more fumes. I recommend and have talked to my engineers and they did the land use study and they recommend against residential development.

Douglas Atwood – 1942 US Hwy.211 W – That is the property adjoining this. The fact is my wife and I owned this property and we sold it and bought us another farm but I do live out there. The airplanes are noisy. The small ones are not, but the larger are. I feel like this land would be better suited for industrial or commercial use.

Patrick Henry – 452 Westlu – I have a residence right on the border of the proposed area. We also have family land at 1819 US Hwy 211 which is directly across from Tractor Supply. This whole area has been a topic of conversation my entire life. The strategic plan for the Town of Luray was originally to build around East Luray Shopping Center and Food Lion and WalMart have changed that and now you look around and look what has happened to Westlu. The last two gentlemen spoke about the airport and what's going to happen. I think the town would be subject to real issues if this project goes through.

The public hearing was then closed.

Commissioner Good asked if anyone had any questions or discussion. Commissioner Malone asked is this coming out of the PND. Mr. Webb stated when this was brought to the town back in 2013 they actually presented plans showing this being developed as an extension of the PND and that was approved. What they are showing is 22 single family homes on that particular 9 acres. Commissioner Malone stated they are not allowed to develop what they are planning on the PND that's already approved. Mr. Webb stated the PND is kind of approved on space. In older parts of that PND they do have densities that are higher than what they have shown on that master plan. On this part, they are showing lower density that is more compatible with Westlu. In order to change that density on this side, they would have to go back through that process and present that plan. It is possible they could increase the density but they would have to come to the Planning Commission and they would have to recommend their plan and they might have the same issues. Commissioner Malone said what has already been approved does not allow what they are asking. Mr. Phipps stated the reason for the rezoning request is because the garden apartments that we are proposing; the language in the Code references basically the townhouse has to have first floor living space. That's the only requirement we do not meet. Otherwise, we would meet those same houses. It is really a definition of the type of housing is why we can't meet in the PND. Mr. Webb stated you still have to submit a new PND showing that it is being revised and go back through the process. It would be subject to approval.

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Mr. Phipps stated those densities in the PND are approved, the plan would come back to Council to approve say a switch from townhouses to duplexes or townhouses to independent dwellings. The property has the ability to do either of those; it is just more of a site planning change, not necessarily the type of use. Commissioner Malone asked why are we here because the thing has already been approved so the reason we are here is because what you are trying to do would not be permitted by the PND that has already been approved. Mr. Fritz stated only the definition of the structure. The Fire Department says that people that build do not meet that definition as far as first floor living space. Commissioner Nowak stated so you are saying that because you are having an apartment above another one, that constitutes a living space on the second floor. Mr. Phipps stated instead of having townhouses with the units stacked side by side, we are actually maximizing the space for the site allowing for more open spaces. Commissioner Nowak stated so that property could accommodate 80 some townhouses. Mr. Phipps stated conservatively it is placed in 78 and that's being very conservative as far as our easements and setbacks for storm water. This is 52 units in seven buildings with a community center.

Commissioner Good stated it is already zoned residential; it is a special planned neighborhood development but that is residential.. Again there might be concerns about this being residential and about apartments and whatever there. I think we would have a much bigger argument if we were talking about this being rezoned business, truck stop or some industrial use.

Mr. Webb stated that I think it is something that needs review. My understanding and these are guys I work with all the time and have a lot of respect for, but I do believe that there is a change in the master land plan to increase the density and that's going to have to come back through the process. Basically it would be the same process we are having now. Any kind of change in density, particularly the building height like that. I don't think it is accurate to totally state that you can just build to a higher density because it is a PND. You approved it, it is basically set in stone to a certain degree, there is some latitude and some adjustments but not making an increase in density. I think the argument that has been made, you add 52 units in this 9 acres, you have increased density another 30-40 units. I'm not comfortable with that statement that by-right the site's density could be increased. Mr. Webb stated it would be a review that would need approval by a legislative body. It would need approval from the Commission and Town Council.

Commissioner Malone asked have you guys filed for FAA about this project. Mr. Markowitz stated ten years ago we had housing right up against that road. They sold the land to the airport with the agreement that the Town would partner with us on the residue there. The airport had the chance and option for 100 more feet onto the parcel. The FAA would not support that. Ten years ago we had two story houses approved right up against the existing Airport Road. Now we are hundreds of feet farther back and we know how to go through the permit process; we know how to work with Delta and engineers out of Northern Virginia and Texas to review those. Ligon pointed that out. If it passed up against the existing Airport Road for the Part 77, certainly

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rational will tell you that it will pass setback quite a distance further than that. As I said, we did multi-story single family dwellings against the current Airport Road and it passed for height restriction. If you move back several hundred feet further away, obviously it would pass but we will, if we get through this process, we have to send information to them in order to get a building permit for this town.

Commissioner Good stated we are ready for a motion. He stated whatever the Planning Commission recommends, it is just that, a recommendation to the Town Council and the Town Council then would have their public hearing next month either to accept the recommendation from the Planning Commission or to not accept it.

Commissioner Nowak made a motion that we recommend approval of the project. The vote was as follows: YEA: Commissioners Good, Nowak, Dickson and NA Commissioners Malone and Sours. **APPROVED: 3-2**

Parking Ordinance – Amendment

Commissioner Good stated we have another public hearing that concerns a proposed amendment to the parking ordinance in Section 506.23. We will have a presentation on this matter, we will open the public hearing and then we will have discussion and vote.

Mr. Webb stated this was brought before us several months ago. In some cases, especially for downtown businesses we have a parking code that can be a little limited and intimidating. A change originally came in and what was asked was could we make an amendment. In October we had the amendment before us; we changed the code, clarified some language; the 1200 feet ruling using public parking. It really made the ordinance a lot more lenient upping public parking in town 75% of their parking requirements. We talked about doing a Zoning Administrator and the question was can we make it go to the Planning Commission and Town Council and then we decided we would just go to the Town Council and make it a very quick and easy review process. It was in the hands of the Town Council and was all set to go through. The day of the hearing we were advised that we need to now exempt all the downtown properties. I had a talk with Jason Pettit yesterday about it. It's something that I think what we have done is pretty good; I think it is an improvement and I think if someone needed an exemption from the parking code that Council is very reasonable, but again my direction that I was given at the November meeting that I took back to the December meeting was to give an exemption to the historic district. The historic district is this document and it doesn't actually give streets, all it does is list properties that are in the historic district. When I was looking at the task of exempting all properties from the parking code in the historic district, instead of going through an arduous task of writing the streets, I basically said all buildings that are in the historic district (I think there are 75 contributing and 19 non-contributing) would be exempt from the code. That's the direction Council seems to want the

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Town to go. Monday night it was thought that it was not something that was asked for and it basically needs to be like the appeal process; we need to exempt everybody on Memorial Drive to Bristol Avenue, using the same standard. If we do that, basically what we have done, we have provided an appeal process. Our next amendment will nullify the appeal system. What I have done is I have taken this and basically proposed that this is the way Council wants to go, then we are just going to modify the language of exemption in the historic district and what we are doing here is all uses operating in an existing building or building constructed on a vacant lot located in the Luray's business district extending from Memorial Drive to Bristol Avenue which contains frontage and/or located within 250 feet from Main Street shall be exempt from the parking standards enumerated in Sections 506.1 through 506.22. That's the pleasure of the Council. You have both options to consider. The language is a relatively small change so I will just let you consider both of them.

Commissioner Good then opened the public hearing.

Jason Pettit – At your October Planning Commission meeting addressing the issue of parking, my wife and I were here. That night I heard what the Town was doing as far as relaxing some of the parking restrictions and putting this waiver in the plan,. I was in favor of it and I thought it was a good step in the right direction to help make things easier as far as downtown. The town was built and constructed as most small towns before we had automobiles so you can't create more parking spaces unless you tear down buildings or put vacant lots into parking. At the November Council meeting I called two Town Managers and Town Planners of the Town of Harrisonburg and the Town of Staunton and when I asked this question, I was not looking for this answer; I was just wondering what do you do; what makes things work in your downtown and what I heard from both was that their downtown area businesses were exempt; they don't have any restrictions. They don't have to apply for a waiver, they are simply exempt from off street parking creation and there are no restrictions for downtown. Since the November meeting I have spoke with Mr. Webb, Mr. Hoke the Town Manager, and many other businesses and people had different opinions. If you take the businesses out of Luray and the Caverns, people would not be coming to this town. Businesses is where it's at; the parking situation; I don't think we have a parking problem. Other than special events, I don't see any parking problem in our town. I am in favor of Main Street businesses being exempt.

Leah Pence – 1604 Honeyville Road – I came to learn about the parking ordinance in April and May after closing on two Main Street properties that I bought in March. I was considering what to do with the properties and decided on restaurants. I then sold one of the properties. I read the code and I needed 60 spots for what I was putting in. We need to have a historical district in town and the language of that needs to be very specific and less wordy and needs to say a historical district exemption, so any investor or anyone who wants to come into town can easily find it.

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Tim Rocke – 58 W. Main Street - My wife and I own that building and she has a small retail shop and we echo what Leah was saying. We support the second amendment as it was written but I think it needs to be more in general terms of what the historic downtown zone is.

Gerald Dovel - 87 Gapview Lane – We have some property in town. I am in complete agreement of most of what I'm hearing. We are about to open a small 4 unit inn. We may or may not fall within your little setback. We also within this district have residences. Is it OK for me to open that inn and have parking in front of your house, with no thought going to what the operation of my business is going to do with the operation of your home. If we are coming back off the Main Street corridor itself; I agree with the walk up businesses, the restaurants, and the retails. They can't provide parking; nobody on Main Street can. We provided five parking spaces for a four unit inn and one employee. I don't think it's up to the town to provide for my residential style business and I think there needs to be a little further consideration when it's not just a walk up business.

There being no other speakers, the public hearing was closed. It is open to discussion with Planning Commission members.

Mr. Webb stated he would like to thank Jason for his research. You have two options. This could be tweaked instead of giving a distance just say any lot that touches Main Street; that might be an easier way to get a distance or something like that. I sort of like the Bristol. If you are going to do it in that fashion. Gerald brings up a good point to the committee about uses and if you inclined to tweak it a little more; the lots and maybe add uses that Mr. Pettit brought up. If that's where you want to go, we could table it and I could write it up and bring it back to you if that is the direction you want to go.

Mr. Good asked what wording should we have. Mr. Webb stated if we are going with this; we have all the uses operating from the existing buildings. If you want to make it a use specific restaurants, retail, etc., those things that maybe you might want to exempt or building constructed on a vacant lot. If you are going through the proposal to build a new building and submit a site plan, I think having a conversation about parking is not unreasonable even if you are going to give them a waiver. We have had two builds; the County Office Building which is a rebuild and then the Methodist Church got an addition. As Jason pointed out that could be a consideration too; at least address the issue. Again, instead of doing 250 feet we could simply change it to state any lot that touches Main Street from Memorial to Bristol. We could change the 250 feet to 300 feet. That's no problem. Simply saying within 300 feet from either side of the Main Street center line shall be exempt from the parking standards enumerated in Sections 506.1 through 506.22 of the code.

Mr. Webb stated I think there are some good ideas here. I think the 300 feet would be something to consider, I think the residential element may be something and Jason also talked about existing

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lots. If you don't want to try to figure this tonight, we could table it and have a work session in a couple weeks and meet and we would like to have you here and I could bring variations of this and we could all look at it and maybe we could find something that improves off this and gives everybody what they are requesting. It still leaves a little bit of ability for the town to have a little bit of control. If that would be something you would be interested in doing Mr. Chairman, I would be happy to set a meeting at the end of this month and we could do a 5:30 work session, put it in the paper and let everybody know and I could put together a couple more variations instead of trying to figure it out tonight and then we could move forward.

Commissioner Malone made a motion that we vote on the ordinance that says 300 feet from each side of Main Street center line shall be exempt. No second was made.

Commissioner Sours made a motion to table and bring it back next month with the other things we discussed regarding residential uses, vacant lots and incorporating those into the amendment. The motion was seconded by Commissioner Nowak. The vote was as follows: YEA: Good, Malone, Nowak, Dickson and Sours. **APPROVED 5-0**

Mr. Webb stated he will work on this to include the comments that we have brought here tonight and we will take it off the table next month.

Mr. Webb stated we have a proposal that if the Commissioners want to meet next week in a special session, I'll write it up and we'll meet next week. Let's contingently make it for Wednesday at 5:30 P.M.

There being no further business, the meeting adjourned at 8:35 p.m.

Ligon Webb
Town Planner

ATTEST: _____