

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

The Luray Planning Commission met on Wednesday, April 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
Mark Malone
Brian Sours
William Fisher
Tracie Dickson
John Shaffer

Absent: Grace Nowak

Others Present:

Charlie Hoke, Town Manager
Ligon Webb, Town Planner

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:

Three sets of minutes need approval. First is the minutes of January 13, 2016. A motion to approve the minutes of January 13, 2016 was made by Commissioner Dickson and seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Fisher, Dickson and Shaffer. **APPROVED: 6-0**

Minutes of January 20, 2016: A motion was made by Commissioner Shaffer that the minutes of January 20, 2016 be accepted as presented and seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Fisher, and Dickson.

APPROVED: 5-0

Commissioner Malone stated that “January” was spelled wrong on the minutes of January 13 and January 20. Mr. Webb stated this will be corrected on each one.

Commissioner Good asked Mr. Shaffer if he was absent at the March 14, 2016 meeting. Commissioner Shaffer stated he was not absent at the March 14, 2016 meeting but was absent at the January 20, 2016 meeting. This will be corrected on each set of minutes.

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Minutes of March 14, 2016: A motion was made by Commissioner Malone that the minutes of March 14, 2016 be approved as corrected and seconded by Commissioner Fisher. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Fisher, Dickson, and Shaffer.
APPROVED: 6-0

Commissioner Good stated we have five items that have been advertised for public hearing this evening.

PUBLIC HEARING: LPA OF LURAY REZONING REQUEST
Apartment Townhomes on Cave/Zerkel Streets

Mr. Webb stated this is a rezoning public hearing for the purpose of receiving public comments and to consider the request presented by LPA of Luray, LLC. The applicants are requesting to rezone a M1 (Limited Industrial) zoned parcel to B1 (General Business). The property requested to be rezoned is approximately 1.262 acres at Zerkel and Cave Street. That is where the offices of Baughan Construction and Baughan & Baukhages architectural firm are located. The property is to be utilized for a mixed use of townhomes with a commercial office and/or retail space component. They have parking that would accommodate any sort of overflow that might come from the apartments and also from the retail use. On Zerkel there will be five townhouse units and along the sidewalk that would be constructed you would have garage doors that would accommodate two cars.

Tyler Austin, Racey Engineering – I think it is good for the town where this is located and it makes a good transition from a residential portion that is to the south and east and recreational activities with the park and library and the downtown district. We are asking for some of that right-of-way on Zerkel Street to allow for the sidewalks and utility strip. The curb and gutter and sidewalks will be upgrades to Zerkel Street. In the last couple months, we have all been involved with two issues that keep coming up and that's parking in our downtown area as well as bringing residential development closer to downtown. I feel this project does both of those. We are providing 69 spaces; 22 of those are two car garages; 47 spaces are in that parking lot. Storm water and utilities have all been preliminary engineered and it is feasible.

Mr. Lowell Baughan stated there is basically 2 bedrooms, 2 ½ bathroom units. There are a couple of 3 bedroom units in there and one handicapped assessable unit. The ones on Zerkel will have all the parking closed units underneath.

Chairman Good then opened the public hearing.

There being no one to speak, the public hearing was then closed.

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Commissioner Good then asked if there were any questions. Commissioner Shaffer stated we have residential right by the railroad tracks. Is there a safety buffer zone at all? Mr. Webb stated I am not aware of any; it's obviously separated far enough and I don't think there is any real danger but we did talk about it when Lowell came in and it's a little bit of an inconvenience, but most people in that area of town live within walking distance of the railroad. Commissioner Shaffer stated the question I am asking is we are talking about new construction next to the railroad tracks. Are we meeting the safety standards? Mr. Webb stated they are appropriately set back with a lot in between them. Commissioner Shaffer stated you said appropriately; you don't know because we don't know the regulations. Mr. Lowell Baughan stated the railroad does not have any jurisdiction beyond their right-of-way. Commissioner Shaffer stated the other issue with me is noise; the railroad and fire whistle. What is the quality of life for folks living there. Is there any building extra sound protection being put in there? Commissioner Good stated it's exactly what the community needs; to build good housing in the community adjacent to amenities but my question about parking extends a little bit more. It's that part of town developed with the brewery and another restaurant and whatever happens to the old Hunt & Peck and how is Zerkel Street zoned for parking? Would you be able to park and put sidewalk parking on the other side of Zerkel Street at some point. Mr. Webb stated I'm not sure what the right-of-way is there, but there would be no reason if this develops and the brewery; you are not going to be able to park here because they are going to have access to their garages.

A motion was made by Commissioner Sours to have this property rezoned from M1 (Limited Industrial) to B1 (General Business) and seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Fisher, Dickson and Shaffer. **APPROVED: 6-0**

PUBLIC HEARING: LPA OF LURAY, LLC SPECIAL USE PERMIT REQUEST
Apartment Townhomes on Cave/Zerkel Streets

Commissioner Good opened the hearing on the Special Use Permit for the townhomes.

There being no one to speak, the public hearing was then closed.

Commissioner Good stated our recommendations we make here as a Planning Commission is always made to the Town Council and they will hold their public hearing next month and go through the same process of getting information and public hearing and they can approve or disapprove the rezoning and special use permit.

A motion was made by Commissioner Malone that the Special Use Permit be approved and was seconded by Commissioner Shaffer. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Dickson and Shaffer. NAY: Commissioner Fisher **APPROVED: 5-1**

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PUBLIC HEARING: FOX REZONING REQUEST
R2 to R3 on Collins Avenue

Mr. Webb stated this is a request by Eric Fox to rezone a R2 (Medium Density Residential) to R3 (High Density Residential). The subject parcel adjoins Collins Avenue with a sixteen foot frontage and is surrounded by R2 zoned lots with the exception of an R5 zoned parcel across Collins Avenue. The property requested to be rezoned is roughly 0.497 acres (21,649 square feet) in area and is planned for the construction of two duplexes after a town approved subdivision. Regardless if this is approved or not, they will have to come back and subdivide the property. He is taking one lot and making it two. He wants to put a duplex on either side and keep it on one lot. Right now, by-right, we told him he can divide this by-right and he can put two houses on either side. He has requested to up the density some and that's the reason why we are going to R3. What he wants to do is build a single story duplex on each side and looking at it from the road, it looks like a single family home, but you have the fire wall and two separate entrances. Mr. Webb is supportive of the project and has talked about the need for affordable housing especially for older folks, single floor living. Mr. Fox has talked to people in the neighborhood and I am supportive of it because it is a need and he does good work. I think we all realize this is R2 single family homes and some people may not be excited in seeing an increase in density. All adjacent property owners have been sent letters. You have two units by-right and can subdivide it either way. The question - is upping the density allowable. You have a business right here; a church across the street and commercial use on this end, but it is pretty much already surrounded by a single family neighborhood. Access would be achieved right through this area of Collins so it really wouldn't have any vehicular access to the rest of this neighborhood.

Commissioner Malone asked is there a minimum frontage. Mr. Webb stated there is a frontage issue. If it goes to R3 by reading of the Town Code, that is an issue that can be brought up on the subdivision process. If it goes to R3 he does have the lot size. One issue is lot width; 60 + 10 additional feet at the setback line. For two units you need 70 feet at the setback line. Showing here, if you come back 35 feet from this lot it is a little less than the required 70; it's 68. Our Code is a little conflicting. As a setback line, do you walk back 35 feet and say that's the setback line or can you actually come back a little until you get that width. I think that is something we need to get our attorney to make a definitive answer but in my opinion in reading the Code, I think it is debatable whether you can say if it's 35 feet, it's 68 and if I come back 5 more feet, I have 75. That's something we can talk about in the subdivision process and if he needs to, he can always apply for a variance. Commissioner Malone asked is there no minimum for how much frontage you need to have. Mr. Webb stated the Code says it needs to be touching a public street. It does touch a public street. Mr. Webb stated I think tonight the larger issue is to say is it appropriate and when it comes back to be subdivided, we can maybe get a clearer interpretation on setback lines.

Chairman Good then opened the public hearing.

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Jean Dovel Bradford, 24 N. Marye Lane, Luray, VA - I'm not familiar with any of this, but if it goes from R2 to R3 does that indicate that the property around it would be affected from the value standpoint. Mr. Webb stated two duplex units and that type of house will add more value in totality than a single family home in all likelihood.

Mr. Fox stated the whole idea here was to build something for older folks and that's why I am trying to keep them to one story. It's not going to be a low income project. The sales figure is somewhere between \$120,000-\$130,000 range and as far as rent price goes for a total package and he would do all the mowing and take care of the property for them, the rent would be anywhere from \$750-\$900.

Commissioner Good stated he wanted to be sure he is correct. All the property that surrounds this is R2. Mr. Webb stated, yes, on this side and then you have R2 and R5 across the street. Mr. Fox stated the property to the right is R2 but a business is there and the property to the left has a garage so it's not likely you are going to have a house on either side of this. Commissioner Good stated just looking at it from purely a zoning perspective, it is creating R3 where there's none now; it's all R2 and there is R5 across the street and that's the Catholic Church; it's not a residential development. It would be making this an R3 surrounded by R2 just from a zoning perspective. Mr. Webb stated it's just to point out that everything around it is R2 and it wouldn't be consistent with what's around it. It's a request for density increase.

There being no other discussion, the public hearing was closed.

A motion was made by Commissioner Sours recommending approval from R2 to R3 and seconded by Commissioner Fisher. The vote was as follows: YEA: Commissioners Sours, Fisher, Dickson and Shaffer. NA: Commissioners Good and Malone. **APPROVED 4-2**

Commissioner Good stated this will be forwarded to Council to recommend approval and as mentioned earlier, the Town Council will have their public hearing next month for the same process. It will be advertised in the paper and Ms. Bradford will have your opportunity to come back to Council to express your opinion.

Public Hearing: Borgie Special Use Permit Request
B & B Operation on Blue Ridge Avenue

Mr. Webb stated the applicants, Robert and Tammy Borgie, are requesting a special use permit to operate a bed and breakfast from an existing single-family dwelling. The subject dwelling is located in a R2 zoning district and a bed and breakfast operation is allowable by special use permit. The applicants intend to utilize/rent two bedrooms as part of their proposed operation. They have an ideal parking situation.

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Commissioner Good then opened the public hearing.

Bob Borgie and wife Tammy – Mr. Borgie stated we have redecorated a couple of bedrooms in the historic part of the house. Our guests will have command over all but the kitchen in the historic part of the house which is pretty much two-thirds of the back of the house. The white portion was added on in 1990 and they will have access to the pool and hot tub through the front door. There is off-street parking and we have had a good relationship with the church next door and the neighborhood. We are the longest residents on Blue Ridge Avenue. Luray is a great place to visit and we are looking forward to hosting them.

There being no other speakers, Commissioner Good closed the public hearing.

Commissioner Shaffer stated there is not a street in the community more suited for a B & B with the tree lined street, larger lots, off street parking would be Blue Ridge Avenue. I recommend that we pass to the Council our motion to grant this special use permit. Motion was seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Fisher, Dickson and Shaffer. **APPROVED: 6-0**

Public Hearing - Proposed Ordinance Amendment
Mixed-Use” Zoning within B1 (General Business) Zoning District

Mr. Webb stated a request has been made regarding allowing downtown/commercial zoned structures to be used for both residential and commercial purposes. Generally speaking, “downtown” commercially zoned lots provide commercial/retail space on the lower (street level) floor, and some provide residential spaces on the upper (second story and above) floors. When a building is used for both commercial and residential uses it is referred to as being “mixed use”.

Mr. Webb believes this can be achieved by including a mixed use zoning use in B1 zoning district. This use (mixed use) would need to be defined, and then added to the list of uses allowable by right in the B1 zoning district. One significant question to be discussed is whether a specific area of town will be designated, or will this apply to all B1 zoned parcels in the corporate limits. Mr. Webb stated it would be B1 just on Main Street.

Mr. Webb stated that we have two items of definition and then we are actually adding it to the Code in Section 406.1 (b) use by-right.

The two proposed amendments to the Town’s zoning ordinance are as follows:

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- (1) It is proposed that Appendix A (zoning), Article II (definitions), section 201 (specific terms) be amended to include the term “mixed-use development”. This term is proposed to be defined as follows:

The use of a structure (existing or new) on a lot/parcel zoned for general business in which a mixture of commercial and residential uses are conducted. Buildings on such parcel in which a minimum of 25 percent of the gross floor space is dedicated for business/commercial uses where the remainder is utilized for residential purposes. Such residential use shall likewise not be less than 25 percent of the gross floor space of the structure. Residential uses must conform to all requirements set forth by the local Building Official and the Code of the Town of Luray.

- (2) It is proposed that Appendix A (Zoning), Article IV (District Regulations), Section 406 (Business District), 406.1 (uses permitted by right) be amended to include the following use of “mixed-use development”; this term, mixed-use development, is proposed to be listed as “qq” in Section 406.1.

Commissioner Good then opened the public hearing.

There being no one to speak, the public hearing was then closed.

Commissioner Fisher made a motion to recommend the proposed amendments to Council and seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Good, Sours, Fisher, Dickson and Shaffer. NAY: Commissioner Malone **APPROVED 5-1**

There being no further business, the meeting was adjourned at 8:20 P.M.

Ligon Webb
Town Planner

ATTEST: _____