

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
MAY 11, 2016**

The Luray Planning Commission met on Wednesday, May 11, 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
Brian Sours
Grace Nowak
William Fisher
Tracie Dickson
John Shaffer – Absent at time of Roll Call. Came in later.

Absent: Mark Malone

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:

Several corrections were made to the minutes of April 13, 2016. A motion to approve the minutes as amended was made by Commissioner Nowak and seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Good, Sours, Nowak, Fisher, and Dickson.

APPROVED: 5-0

PUBLIC HEARING:

Request of Plan Quest LLC (Mr. Erik Fox) for a Special Use Permit to Allow a Triplex on a R-4 Zoned Parcel

Mr. Webb stated Mr. Fox has requested a special use permit to construct a triplex on a R4 (High Density Residential) zoned parcel. Mr. Fox recently purchased the parcel and it is located on the corner of Second Street and Seventh Avenue and contains roughly 10,500 square feet. Mr. Fox has consolidated this into 4 lots and has vacated the lot line so it's actually one 10,500 square foot parcel. It was zoned R-4 (High Density Residential) and when we added it to the Code we said

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the minimum lot size would be 10,000 square feet in order to apply for a special use permit for a triplex. As of right now on this particular parcel by-right he could do a duplex with a two family dwelling. With a two-family dwelling, he could do an 8,000; this is 10,500 square feet so essentially 2,500 feet he is getting a density bonus by applying for a triplex. In this general area there is a mixture of single-family, duplex and townhouse units. There is a lot of density. The request is asking for a slight increase in density for this particular parcel. It is in an area that has quite a bit of density and there are some single family homes.

Mr. Fox stated the four lots I bought would have been big enough to put two duplexes but the owner I bought the four lots from lives on the four lots running the other way right behind the property. She already had the alleyway. Part of her driveway is actually right on the alleyway, so my recommendation to her was to keep part of the back half of the lots so 20 feet of the back of the lots I actually let her keep because I wouldn't have had enough room there to put two, two story duplexes. I told her she would be better off to keep that herself and keep it with her house and I would be OK just to put something there that was one story.

Mr. Webb stated one of the questions that Council should have brought up as far as maintenance and things like that, I talked to Eric about today. His intent is to own the whole building and lease out each. If he wanted to divide them he would have to come back and sell them. What he could do is actually subdivide and come back in here and bring a subdivision plat and then we could potentially talk about what happens if there are structural problems. It's not really the responsibility of the Town to get involved in a private real estate deal but it's OK for us to understand that if something goes wrong with one-half of the duplex and the roof is out, then it's a shared maintenance agreement. Of course any bank or lending institution that is going to get involved in this would make sure there are mechanisms in the deed that assure an owner that if there is a common maintenance issue that they all would be responsible. We did discuss that, but at this point, until he comes back and subdivides, it would be under one ownership and he would be responsible for the entire structure's maintenance and things like that. He does intend to meter each one separately so they would pay a separate water and sewer fee for each one. There is plenty of parking that he can make in the front off the road. The land is level and it obviously blends well with building something on it. What he has done here is basically made a statement that we talked about essentially saying that he will be responsible and the owner will be responsible for common maintenance and there is plenty of incentive for the owners and the folks living in those units or anybody who might buy it, to make sure there is an appropriate agreement that everybody is on board with and understands.

Mr. Fox stated you asked questions about maintenance and that sort of thing so basically what I have detailed, there will be something in place if they are sold individually and just to be clear, it may be something that occurs in the future. I plan on keeping this, but at the same time I may come in and have it subdivided. I want to make sure that you all understand that that agreement will be in place. If you have any questions or concerns, let me know.

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Commissioner Good then opened the public hearing.

Janet Bienen, 110 Seventh Avenue

I am here tonight representing as well, my husband Charles and my neighbor, Tom Rosser, who is an older gentleman who lives at 112 Seventh Avenue. That is not a duplex; I think they might have misrepresented the fact that currently there are not any duplexes that is a house. Mr. Rosser who lives in the brown roof house is an elderly gentleman and he asked me to please represent him also. My main concern is that we currently have a major problem that was kind of created by the Town when this drainage ditch on Fifth Avenue was left open. We have major flooding issues here. Unless someone can address how the water is going to be – this is my garden underwater; most of the water runs through the alleyway. This is a significant problem as you can see. This happens at least three if not four times a year; it is not currently occurring, but that major culvert that comes out on Fifth Street spews out into this property where he wants to build the triplex. I'm not sure when that's built where all this water is supposed to go. It's already a problem. If he builds up the land; it is not a level lot; it's very sloped into a pit; if he puts extra land into that to build it up so he doesn't have this problem, I'm not sure where all the water is going to go.

Mr. Webb stated this is a development issue whether they are building duplex or triplex. As far as what disturbs the land out there, 10,000 square feet; he will need a land disturbance permit. A land disturbance permit means that he is going to have to submit an erosion sediment plan for this. From a development perspective for him to construct on that site, he is going to submit plans to the Erosion Sediment administrator for the county, the Building Official, that is going to show pre and post development activities. The basic idea of the permitting is that this development is not going to make this problem worse. In this case, since everything seems to come to this point here, his development should improve the situation. Maybe it will channel the water in another fashion; maybe we can put that culvert in.

Mr. Fox stated he talked to Mr. Rosser before he bought it. Basically the culvert comes out underneath the road right here; the water tends to go this way. When we have a heavy rain like the last couple of days, it will get wet in the lower part of the lot; it slopes downhill all the way down to this point right here. The town puts this culvert in right here to take the water from the surrounding area down under the road. Down here on First Street I know the water goes down there. What's happening is, it's not all running that way fast enough so it tends to back up in here. As far as what's going to happen when I build here; the center of the lot sits below the road right here 4½ to 5 feet. The crawl space is going to come out of the ground and he's going to fill the front of the lot in and on the back side of the house he is not permitted to have water in a crawl space. So the back side of this when he grades, he is going to grade it downhill. Basically the water is getting out of here going this way; it just doesn't go that way fast enough. That's not his responsibility; that is the Town of Luray.

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Mr. Webb stated I wouldn't think that it would change the lot but what I think we can do is between now and Town Council is sit down with Eric and anybody who would be interested. I understand that the lot can built on and that's not really the issue, but how can the Town address this issue. There are some spots that just collect water and that's the way the land lays. This problem has obviously been there for a while during extreme storm events but I guess from his perspective, when he gets disturbance permits and all that, that is going to have to be addressed. He's not allowed to make the problem worse through this development.

A motion was made by Commissioner Fisher to table until the stormwater issue is investigated and seconded by Commissioner Nowak. The vote was as follows: YEA: Commissioners Good, Sours, Nowak, Fisher, and Dickson. NAY: Commissioner Shaffer **APPROVED: 5-1**

Mr. Webb stated we will table it and will get together and get Mr. Chrisman on it and have Eric come in and sit down and anyone who wants to come, I'll let you know and we'll sit down with the understanding that he can't make it worse, but maybe there is something the Town can do to help the situation.

Adoption of Official (Revised) Zoning Map:

Mr. Webb stated since the last official zoning map was adopted in June 2014, we've had the Mimslyn Inn B-1 zoning; People, Inc. R-5 zoning; Chris Judd, B-1 zoning and now the Baughan B-1 zoning and the Fox R-3 zoning. The Brewery B-1 zoning is reflected already.

Commissioner Good opened the public hearing for comments. Hearing none, the public hearing was closed.

Mr. Webb stated we have a great county GIS person, Josh Hahn. He does a good job keeping us updated. It helps so many areas; the Commissioner of Revenue, Taxing, Economic Development, assessments, etc.

A motion was made by Commissioner Dickson that we adopt the official (revised) zoning map and seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Good, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED: 6-0**

Sign Ordinance Revisions:

Mr. Webb stated I knew that there were some changes to the sign ordinance. Basically you can't regulate based on the content. The Town Attorney, Jason Botkins, went through and took out the content related regulations. He has done a very thorough job of editing this and makes very good explanations of why we are doing what we are doing. So based on those content related regulations

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we now have a sign ordinance that has 8 pages. What we will do is advertise the amendments to the sign ordinance and we can look at what he has done. We don't have to advertise every change; we can just say we are making a lot of changes and come look at the memo from our Town Attorney with the edits and the last 8 pages are the new sign ordinance.

Commissioner Good stated it will be advertised and come back to us next month.

With regard to election of officers, the by-laws say you are supposed to elect a Chairman for the calendar year. Your terms are supposed to expire on 6-30-16 this year, but we have moved our elections back to November so you actually get six more months. On December 31 we will do election for Chairman and appointments for January 1, 2017 and not hold the election on 6-30; fiscal year basis but will comply to the by-laws on a yearly basis.

There being no further business, the meeting was adjourned at 8:05 p.m.

Ligon Webb
Town Planner

ATTEST: _____