

Planning Commission Meeting MINUTES

Wednesday, January 10, 2024, 7:00 PM

Work Session 6:00PM Regular Session 7:00PM Community Room, Salem Civic Center,
1001 Roanoke Boulevard:

WORK SESSION

1. Call to Order

A work session of the Planning Commission of the City of Salem, Virginia, was held in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 6:00 p.m. on January 10, 2024; there being the members of said Commission, to wit: Vicki G. Daulton, Chair; Dee King, Vice Chair; Reid Garst, Neil L. Conner, and Jackson Beamer; together with Christopher J. Dorsey, City Manager; H. Robert Light, Assistant City Manager; Mary Ellen Wines, Planning & Zoning Administrator; Charles E. Van Allman, Jr., Director of Community Development; Maxwell S. Dillon, Planner; and Jim Guynn, City Attorney; and the following business was transacted: Chair Daulton called the meeting to order at 6:00 p.m. and reported that this date, place and time had been set for the Commission to hold a work session

2. New Business

A. Discussion of items on the January agenda

1. 1236 West Main Street rezoning from HBD to CBD
2. 301 Carey Avenue SEP two-family dwelling
3. 416 Electric Road rezoning from HBD to HM
4. 860 Mount Vernon Lane rezoning from RSF to PUD

A discussion was held regarding the items on the January agenda.

3. Adjournment

Chair Daulton inquired if there were any other items for discussion and hearing none, adjourned the work session at 6:55 p.m.

REGULAR SESSION

1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held after due and proper notice in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 7:00 p.m., on January 10, 2024. Notice of such hearing was published in the December 28, 2023, and January 4, 2024, issues of the "Salem Times Register," a newspaper published and having general circulation in the City of Salem. All adjacent property owners were notified via the U. S. Postal Service.

The Commission, constituting a legal quorum, presided together with Christopher J. Dorsey, City Manager; H. Robert Light, Assistant City Manager; Jim Guynn, City Attorney; Mary Ellen Wines, Planning & Zoning Administrator; Maxwell S. Dillon, City Planner; and Charles E. Van Allman, Jr., Director of Community Development, and the following business was transacted:

A. Pledge of Allegiance

2. Election of Officers

On motion by Dee King, seconded by Jackson Beamer, and duly carried Vicki Daulton was appointed Chair of the Commission. Roll call vote: all – aye.

On motion by Reid Garst, seconded by Neil Conner, and duly carried Dee King was appointed Vice Chair of the Commission. Roll call vote: all – aye.

On motion by Neil Conner, seconded by Dee King, and duly carried Christopher J. Dorsey was appointed Executive Secretary of the Commission. Roll call vote: all – aye.

On motion by Neil Conner, seconded by Jackson Beamer, and duly carried H. Robert Light was appointed Deputy Executive Secretary of the Commission. Roll call vote: all – aye.

On motion by Jackson Beamer, seconded by Dee King, and duly carried Chris Dadak and Charles E. Van Allman, Jr., were appointed designated agents of the Commission. Roll call vote: all – aye.

3. Consent Agenda

A. Minutes

Consider acceptance of the minutes from the December 13, 2023, work session and regular meeting.

On motion by Vice Chair King, seconded by Member Conner, and duly carried the minutes were continued until the February 14, 2024, meeting. Roll call vote: all – aye.

4. New Business

On motion by Member Beamer, seconded by Member Conner, and duly carried, Item 4 was moved to Item 1. Roll call vote: - all aye.

D. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District. **Petitioners have requested a continuance until the February 14, 2024, meeting.**

Jon Morris, President and CEO of HopeTree Family Services, appeared before the Commission and requested a continuance of the request until the February 14, 2024, meeting.

On motion by Member Garst, seconded by Member Conner, and duly carried, the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District was continued until the February 14, 2024, meeting. Roll call vote: all – aye.

A. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District.

Staff noted the following:

The subject property (1236 West Main Street) consists of a 0.348-acre tract of land which currently sits within the HBD Highway Business District designation. The applicant is requesting to rezone the property from HBD Highway Business District to CBD Community Business District in order to complement the existing commercial use with a residential unit on the second floor of the structure.

Damaged by a fire in 2023, the structure which currently houses a nail salon on its bottom floor (TJ Nails & Spa) also possessed an upper-level unit that was not permitted for residential living. Because the applicant desires to allow employees of the downstairs commercial operation to live on-site in the upstairs unit, a rezoning from HBD Highway Business

District to CBD Community Business District to allow for mixed use is required.

Section 106-602.13. of the City of Salem Zoning Ordinance defines "Mixed use" as "a single building or parcel wherein multiple uses such as residential and commercial share space."

The Future Land Use Map (FLUM) identifies this area as commercial.

Hoa Nguyen, 1236 West Main Street, Salem, property owner, appeared before the Commission and stated that there are three rooms upstairs that they would like to rent the space to someone.

Member Garst questioned if it would be one apartment.

Mr. Nguyen stated that it would be one apartment with three rooms.

Chair Daulton questioned if there would be three people renting and asked if there was a kitchen upstairs.

Mr. Nguyen stated that three people could rent. There was not a kitchen upstairs, but there is a kitchen area downstairs the renters can use.

Chair Daulton questioned if employees would be renting the rooms.

Mr. Nguyen stated that he was not sure who would be renting the space.

A discussion was held regarding parking spaces, and access to the lower-level kitchen. It was noted that there is an internal staircase that allows access between the upstairs units and the downstairs kitchen. It was also noted that the owner will need to go to the Building Official for the firewall to be placed between the living space and business.

No other person(s) appeared related to the request.

On motion by Member Reid, seconded by Member Jackson and duly carried, the request T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District was approved. The roll call vote: all – aye.

B. Special Exception Permit

Hold public hearing to consider the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1).

Staff noted the following:

The subject property (301 Carey Avenue) consists of a 0.363acre tract of land which currently sits within the RSF Residential Single-Family designation. The applicant is seeking a Special Exception Permit to allow a two-family dwelling on the property.

Currently vacant, the subject property is situated in a neighborhood of primarily single-family homes; however, there is a mix of uses in the surrounding area bounded by Carey and Brand Avenue, along with several multi-family units along Hale Avenue. If approved, the applicant intends to build an approximately 2,500 square foot (~56x44) two family dwelling (side-by-side) comprised of board and batten siding on the exterior. The proposed site plan satisfies the RSF Residential Single Family setback regulations.

The Future Land Use Map (FLUM) identifies this area as residential, still consistent with the proposed utilization of the property should the Special Exception Permit be granted.

Teddy Dyer, 357 Penguin Lane, property owner, appeared before the Commission and stated that he plans to build a one-story, decorated two-family dwelling on the parcel. He feels that it would fit well in the neighborhood and would be a buffer between single-family and a commercial property next door. There are also other apartments within two blocks of the property, other two-family dwellings within a couple blocks, as well as the former Elizabeth Arden building and VDOT within a block of the property; therefore, he does not feel that a single-family dwelling is the only use of the property.

Vice Chair King questioned if the drawings/plans submitted are what he is proposing the dwelling to look like and if the plans could be a condition of approval.

Mr. Dyer confirmed.

Member Garst questioned if there any use on the second floor.

Mr. Dyer stated that there was not a second floor--it was a "dead" gable. He stated that there would be firewall down the middle, a decorative front, nice sides. The elevations were submitted with the plans to show that he does not plan to build a "rinky dink" shed on the property.

Member Conner questioned what the projected rent would be on the units.

Mr. Dyer stated that he does not have a projected rent at this time. He stated that there is a need for rental property in Salem—each unit would have three bedrooms and he does not plan to rent to college students.

Phillip Beland, 312 Carey Avenue, appeared before the Commission and stated that he lives diagonally across the street from the property. He questioned the requirements necessary for the property to be built on and gave a background on his property. He discussed site distance requirements,

speeding issues, and addressed his concerns regarding the safety of children playing. He stated that just below the side of the road the property is to build on is flooded from surface water runoff for most of the summer every summer. He stated that there are no provisions for surface water runoff, and the proposed development will compound the current issues. He stated that the street has been in place since the 1700s with very few improvements. He further stated that Carey Avenue is a very narrow street and has not been widened—more often than not, vehicles will have to pull over to let an oncoming vehicle pass. Carey Avenue is not a very accessible street.

Member Reid questioned if Mr. Beland's concerns were primarily traffic and stormwater issues.

Mr. Beland confirmed, as well as who will rent the property.

Chair Daulton stated that a single-family residence can be built on the property by-right.

Mr. Beland questioned the subdivision of the property.

Charles E. Van Allman, Jr., Director of Community Development addressed the issue of why it is a lot-- the standards Mr. Beland spoke of are today's requirements and were not necessarily required 10 years or 15 years ago. Carey Avenue is an old road and so is the land along the road. If there is a lot by record that is zoned Residential Single Family and if the City does not allow you to build when it is allowed by-right by zoning, that is a taking of property.

Mr. Beland stated that the parcel just became an individual lot last year. The parcel was originally part of the lot located at 311 Carey Avenue—the Price residence. He stated that the original parcel was subdivided, and 301 Carey Avenue was created.

Chair Daulton stated that the lot was sold as a lot and the buyer has a right by law in the State of Virginia if it is zoned, in this case Residential Single Family, to build a single-family house by right.

Mr. Van Allman noted that the lot meets the zoning requirements. The 10-mph limit Mr. Beland spoke about is not a law, it is a "rule of thumb" and is not an absolute. He further noted that the city works with developers for the safety and betterment of residents.

Member Conner noted that the Commission will only be voting on the use of the property, and that other requirements will be dealt with through the site plan process. He asked Mr. Beland if he had concerns other than the traffic and stormwater specific to this proposal.

Mr. Beland stated that he is concerned with who will be renting the property. There is a single-family residence currently being rented to college students that cause issues in the neighborhood.

Chair Daulton stated that the concerns Mr. Beland has are police matters and other issues. She asked that he speak with the Zoning Administrator or other members of the Community Development in an attempt to address the issues.

Dennis Dessureau, 108 Carey Avenue, appeared before the Commission and requested that the Commission listen to the concerns. He stated that there are a lot of issues on Carey Avenue—50-foot trailers use Carey Avenue to service the businesses that are not located on Carey Avenue. There are young children who live on the street, and he has concerns about the safety of the children due to speeding, partying, etc. He also stated that there are stormwater issues, and that the water pressure is depleting over time. He further stated that is a busy corner where the proposed dwelling is to be built. He asked that the Commission have compassion and understanding for the current residents on the street. He presented the Commission with a petition signed by the residents of Carey Avenue.

Member Garst asked the Director of Community Development if the water runoff would be less if a single-family dwelling was built on the parcel.

Mr. Van Allman, stated that it is based on square footage and if the builder wanted to construct a single-family home the same square-footage as the proposed two-family dwelling, it would be the same either way.

Member Beamer questioned how long Mr. Dessureau has lived on Carey Avenue.

Mr. Dessureau stated that he has lived there since 2014.

Member Conner questioned if Mr. Beland was met with the same resistance when he developed his lot in 2017.

Mr. Dessureau stated that no, he was not.

Member Conner stated that the issues being brought up are not what the Commission can address with the decision the Commission is being asked to make. He stated that the issues need to be addressed in a different venue.

Chair Daulton noted that the Planning Commission is a recommending body only, and that City Council ultimately makes the decision. She asked that the residents address the concerns being raised with the Community Development Department.

Mr. Van Allman stated that he is aware of the storm water issues on Carey Avenue.

Kenneth Griggs, 145 Carey Avenue, appeared before the Commission and stated that he lives where all the water come to. His backyard is over halfway flooded right now from all of the runoff. He stated that he has argued with

the city multiple times and has been told that nothing can be done. He has lived there since 1993 and he is tired of the standing water—his grandchildren cannot even go outside. He showed the Commission photos of the standing water currently in his backyard.

Mr. Dyer reappeared before the Commission and stated that he would not have to appear before the Commission to build a single-family dwelling and there would not be any checks and balances other than the building department. He further stated that he lives in Salem, he grew up in Salem, he graduated from Salem High School, he played football, he gives back for the community. He cares about the community and is a part of the community and asked that the current residents trust him when he tells them that they will not find anyone nicer who will care about the neighborhood and will make sure there will not be college students living in the proposed development. He further noted that he realizes this is a place to vent, but it is also a place where he lets the residents know that he will try to the right thing, he will follow the rules, he builds in Salem already—he owns multiple properties in Salem, his business is in Salem, and he can be found at Helm Building. There is no reason that he ever wants to come into a community and disrupt it.

Fawn Robbins, 311 Carey Avenue, appeared before the Commission and stated that she lives right next to the proposed development. She requested to see the plan for what will be build.

Chelsea Dyer, 357 Penguin Lane, appeared before the Commission and stated that the total square footage will be between 2600 and 2800 square feet—two 1300 to 1400 square feet per unit. She noted that the building plan meets all the required setbacks with room to spare. The structure will be single level, not a two-story dwelling, which will suit senior living or a family. She reiterated that she does not anticipate renting to anyone that will be a problem.

Ms. Robbins stated that she struggles with college students and the ramifications of having them live in the neighborhood.

Mrs. Dyer reappeared before the Commission and stated that the issues being brought up are issues with existing residents and are not related to the proposed development of the property. The issues need to be addressed with the police department or another department of the city as building or not building on the property will not fix the behaviors of current residents, tractor trailers on the street, etc. She stated that building or not building on the property also will not cause any of the issues. She stated that she understands the neighbors' concerns and will try to be a good neighbor, but the concerns being raised are not related to what the Commission will recommend.

Member Conner stated that one thing the Commission cannot do is preclude someone from legal activity because someone else not related to them is doing something illegal. The Commission has to look at the request and

assume the petition will act legally. The Commission is only considering the use of the property. Behind that is the hope is that the development does not “go south” and cause harm or detriment to the community. He realizes that there are issues on Carey Avenue, but the Commission cannot use that there is a “party house” as a reason to deny development of a parcel.

Tim Skime, 130 Carey Avenue, appeared before the Commission and stated he is concerned about the potential development having an adverse effect on property values.

Member Conner stated that in his opinion, the presence of the two-family dwelling will increase neighboring property values. He further stated that he realizes the neighbors’ concerns but feels there is a need for denser housing and feels this is the best use of the property.

Greg Linkous, 300 Carey Avenue, appeared before the Commission and stated that he has lived there for 10 years and is not in favor of a multi-family dwelling primarily due to the prospect of devaluation of neighboring homes. He does not feel that renters will not value and take care of the property and feels that renters devalue the surrounding single-family owned properties.

Phillip Beland reappeared before the Commission and stated that some of the neighbors were interested in purchasing the property.

Phil Hall, 937 Harrison Avenue, appeared before the Commission and stated that he is absolutely against a multi-family development of the property.

No other persons(s) appeared related to the request.

On motion by Member Conner, seconded by Member Beamer and duly carried, the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1) was approved. The roll call vote: Conner – aye, Beamer – aye, Garst – nay, King – aye, Daulton – aye.

C. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District.

The subject property (416 Electric Road) consists of a 4.001acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this large parcel was formerly zoned HM Heavy Manufacturing, and at that time, it encompassed the parcels now recognized as 71 St. John Road and 105 St. John Road. A 2007 subdivision resulted in the

formation of 71 St. John (retaining its HM Heavy Manufacturing designation), and a subsequent rezoning adjusted 416 Electric Road (which included the yet to be formed 105 St. John Road) from HM Heavy Manufacturing to HBD Highway Business District in anticipation of future commercial development. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 416 Electric Road to the HM Heavy Manufacturing classification. This parcel is currently vacant, but a grading plan has been submitted to prepare it for future development.

While there is no concrete site plan for the future development of the property, the uses specified in the HM Heavy Manufacturing District are consistent with existing development in the adjacent St. John Place Commerce Center. Although some of the site sits within the floodplain, any future development will be elevated above the 100-year floodplain to meet the necessary requirements.

The Future Land Use Map (FLUM) identifies this area as industrial which is consistent with the proposed future utilization of the property

Barney Horrell, Brushy Mountain Engineering, appeared before the Commission on behalf of the property owner. He complimented the city for maintaining its GIS information. He stated that this is the vacant parcel across from the fire department on Electric Road. It is currently an undeveloped, overgrown hayfield previously used by General Electric that leads down to the soccer fields maintained by the Sabres Soccer Club. He stated that there is currently not a concrete plan for the future development of the property—he has done concept plans on the best way to develop the property. Long-term he feels the development will be similar to the current developments being done on neighboring properties. He further stated that a bond was approved at the previous City Council meeting to do site work on the lot. In anticipation of future development, the request is to rezone the property from HBD to HM, which is consistent with the other two buildings currently being built, as well as the properties going toward the former GE property and the GE property. He thinks there is only one more lot currently zoned HBD and he anticipates being before the Commission requesting that parcel to be rezoned to HM as well.

Vice Chair King asked if the “tail” of the property has plans for future development given its narrow feature.

Mr. Horrell stated that this is a “remanent” property that extends all the way to Lynchburg Turnpike and gets very narrow at that point. In his concept plans, the growth will likely be from the current buildings being constructed toward Lynchburg Turnpike.

Ted Dyer, Helm Building, 1491 Southside Drive, property owner, appeared before the Commission and stated that he will build something like what has been constructed on the corner. He plans to dress up the area and bring new businesses to the area. He announced that Sunbelt Flooring will be moving into

the corner lot—a five-year lease with up to 15-years has been signed. He is looking at another medical center to go into the second building. He is trying to grow jobs and hopes to build five to six new buildings constructed for new businesses in Salem.

Mr. Van Allman noted that Mr. Dyer and Mr. Horrell have already acquired a common plan of development for the development, and he thanked them for doing the right thing. He further noted that the state required stormwater requirements are being met.

No other person(s) appeared related to the request.

On motion made by Member Beamer, seconded by Vice Chair King, and duly carried the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District was approved. The roll call vote: all – aye.

5. Adjournment

On motion by Member Conner, seconded by Vice Chair, the meeting was adjourned at 8:41 pm.

City Council meeting, January 22, 2024, 6:30 p.m.
Community Room, Salem Civic Center, 1001 Roanoke Boulevard