

Planning Commission Meeting
MINUTES
Wednesday, March 13, 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 March 13, 2024; there being the members of said Commission, to wit: Vicki G. Daulton, Chair; Denise P. King, Vice Chair; Reid Garst, Neil L. Conner, and Jackson Beamer; together with 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 Christopher Dadak, on behalf of Jim Guynn, City Attorney; and the following business was transacted: Chair Daulton called the meeting to order at 6:02 p.m. and reported that this, date, place, and time had been set for the Commission to hold a work session.

2. Old Business

A. Discussion of items on the March agenda

1. 860 Mount Vernon Lane rezoning from RSF to PUD

A discussion was held regarding 860 Mount Vernon Lane on the March agenda.

3. New Business

A. Discussion of items on the March agenda

1. 744 Electric Rd rezoning from HBD to HM
2. 1200 block Thompson Memorial Dr rezoning from RSF to HBD
3. Code Change Storage Containers

A discussion was held regarding items on the March agenda.

B. Discussion of items on the April agenda

1. Home Occupation Amendment - Oak & Bloom - 275 Fort Lewis Blvd
2. Use Not Provided For Amendment - 125 Knotbreak Rd

Items for the April agenda were introduced, and a discussion was held.

4. Adjournment

Chair Daulton inquired if there were any other items for discussion and hearing none, adjourned the work session at 6:34 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 March 13, 2024. Notice of such hearing was published in the February 29, and March 7, 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 H. Robert Light, Assistant City Manager; Christopher Dadak on behalf of 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. Consent Agenda

A. **Minutes**

Consider acceptance of the minutes from the February 14, 2024, regular meeting, and February 21, 2024, joint work session.

Jackson Beamer motioned approve February 14, 2024, meeting and February 21, 2024, work session minutes. Neil Conner seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

3. Old Business

A. Amendment to the Zoning Ordinance

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. (Continued from the February 14, 2024, meeting.)

Jon Morris, President, and CEO of HopeTree, appeared before the Commission and thanked everyone for being at the meeting. He also thanked the Commission for the last public hearing and the public work session. We appreciated all the feedback we received, the dialogue in the public work session. We have had several other meetings since then to talk about some of the changes that we could possibly make, and we have made several changes to the application. He then asked Chris Burns from Balzer and Associates to speak about the changes.

Chris Burns, Balzer and Associates, 1208 Corporate Circle, Roanoke, appeared before the Commission and stated that we have been working with Tom Lowe and the development team on some of the changes that have been made to the document. He feels like some pretty significant changes have been made in response to the feedback received and the additional discussions that the developers have had. He believes the Commission received a markup version of the document with the changes clouded as well as a detailed list of what those changes were. So, I'm not going to hit on every little change, but I am going to hit on some of the some of the more major ones, so the document was clarified, to add the maximum residential unit count at 340, which we have talked about previously; there was a maximum for hotel rooms on the site set at 34, which is consistent with what the discussions have been as far as what that type of hotel use that they see on the property. There was a maximum square footage of restaurant use set at 15,000 square feet, and then there was just a clarification really this was something that we talked to planning staff about clarification that home occupations would not count towards these maximum densities and that is consistent with the Salem zoning ordinance and how that is handled currently in all zoning districts. In addition to that on the land use plan, there were four areas at the northern end of the site that were revised from the T5 zone to the less intense T4 zone that covers the area that is across from North Oaks that fronts Red Lane, as well as some other areas south of that. There was a clarification added to the document regarding the sidewalk in the on -street parking along Red Lane that would be provided as part of the development. We have talked a lot about that but it was not specifically called out in the document so that's been added. In addition to that there were several revisions made to the use table. We removed several of the agricultural uses based on feedback that we got. The flea market use was removed, hospital use was removed, veterinary hospital was removed, and then there were several commercial uses that were removed from T4. This is not applicable to that specific zone. In addition to that we have continued to receive feedback and work with planning staff. There are some additional changes that we are willing to commit to that are not reflected in the current document—there were some commercial uses that were left in the T4 zone use table, which will be removed. I believe that there were a couple of boxes that were checked inadvertently in the use table. I just wanted to clarify that the intent is not to add any uses to

the document, and we will get that corrected. In addition to that, we are willing to commit to a maximum of 340 total residential units to include any accessory dwelling units. So those would be included in the total. That was a question that we had received. And then a couple other uses that we are willing to remove from all zones within the development. And this is just contingent on assurance that this will not impact any of HopeTree's current operations. But we are willing to remove outpatient mental health and substance abuse as well as personal storage. The final change is we had a question about height of accessory structures and whether those could exceed the primary structure on the lot, and we are willing to change that language to limit the height of those accessory structures to the height of the primary structure. Thank you. With that, we would be happy to answer any questions that you all have.

Vice Chair King stated she thinks she misunderstood what was said at the end of the work session, accessory residential structures are not allowed in the current zoning, they must be attached to the main residence. My concern is that accessory residential buildings will increase when you have at least one vulnerable car. I fully understand that the thought process there is to have something where a mom-in-law moves in or the child moves in who now wants to go to grad school needs a place to live, but when that need is no longer there, does it become rental property? And so, what happens here is it increases that overall number of 340. So, can I have some comments on that?

Mr. Burns stated that is one of the changes that we're committing to is that the 340 would include any accessory dwelling units on the property, which is not what the language in the current version that you have says; but that's one of the things that we're committing to tonight so that the maximum would not exceed 340 and in truth those accessory dwelling units will actually generate less traffic than a typical residential unit would.

Chair Daulton stated that staff has some concerns that have not been addressed: the difference between civic buildings and historic buildings and asked for clarification.

Mr. Burns stated that is something that we need additional discussion on and is not 100 % sure exactly what that comment means. We just got that today, so we are certainly willing to discuss that and address it.

Mary Ellen Wines, Planning and Zoning Administrator, clarified that on the use table where it says historic existing and civic buildings, it is not clear what the future use of those buildings will be and why they are differentiated between one or the other. She stated that more clarification is needed.

Mr. Burns questioned if there were any differences in the use table as far as between the two uses. He apologized for not knowing the answer.

Ms. Wines stated that there are a few differences, and we are trying to understand why there is a difference and how they are going to be used in the future.

Mr. Burns stated that there is very little on the land use plan that is shown as a civic building; that of the buildings are shown as the historic core buildings in the middle of the site.

Vice Chair King questioned if the 15,000 s.f. commercial includes the existing buildings because we keep seeing retail and restaurant space so if it does not, how much more commercial space is there.

Mr. Burns stated that 15,000 s.f. is the maximum amount of retail and restaurant space including the existing buildings.

Member Conner questioned if there would be other commercial uses--would there be office uses or other business uses that are anticipated. The only thing we are addressing is the commercial use, but there could be other business uses, correct?

Mr. Burns stated that there could be office space. Retail and restaurant are two of the more intense, and so through the conversations those ones were identified as being critical ones to limit.

Member Conner stated that he wants to make sure that it is not limiting the amount of other business space in any way, except as the plan is written.

Chair Daulton questioned if the on-street parking and sidewalks on Red Lane were part of the proffers because there currently is no indication of what the improvements will look like.

Mr. Burns stated that they are part of the document but are not shown in the graphics as we have not gotten down to that level of detail. That is something that would be submitted with a site plan for approval through the typical site plan process—site distance, widths of the parking spaces, etc. would be addressed to the satisfaction of the city during that process.

Chair Daulton inquired about the placement of trees throughout the development.

Todd Robertson of Stateson Homes appeared before the Commission and stated that the graphics in the document were not supposed to represent the distancing of the trees as it has to do with the species of the trees and other things, but they want to form a canopy and a visual break along Red Lane.

Vice Chair King inquired about the commercial part of the concept—the concept shows miscellaneous, commercial, office, and civic—and wants to make sure that everything combined is to be 15,000 s.f. or less.

Mr. Robertson stated that is not what is proposed at this time. Currently, much of the campus at HopeTree is used for office space—approximately 103,000 s.f. HopeTree will continue to house its offices in the existing buildings on the property, which will be over 15,000 s.f. Several of the buildings are vacant, but there are offices in multiple buildings as well. He

believes HopeTree is planning to focus on two buildings—one for a smaller school and the other for offices that are handicap accessible and a better facility.

Vice Chair King clarified that the 15,000 s.f. commercial use does not include HopeTree's offices.

Mr. Robertson stated that it does not, but the to place the offices in one of the buildings that are currently underutilized.

Ms. Wines clarified that the maximum 15,000 s.f. is for retail and restaurant use only, not other nonresidential uses.

A discussion was held regarding 15,000 s.f. and comparable building sizes, use of HopeTree's cafeteria as a restaurant, etc. It was noted that each commercial space in the project will not be larger than 5,000 s.f.

Chair Daulton inquired about cemetery use on the project.

Mr. Robertson, stated that there are not plans to create a new cemetery on the property and they will remove that use from the proposal, but will have to protect any existing cemetery.

Member Garst questioned if removing the outpatient mental health services will affect HopeTree's mission.

Mr. Morris stated that HopeTree currently does outpatient mental health counseling, but not substance abuse counseling.

A discussion was held regarding the uses at HopeTree and the difference between outpatient mental health services and outpatient substance abuse services. It was noted that HopeTree wants to continue outpatient mental health counseling but does not and will not offer substance abuse outpatient therapy. It was noted that HopeTree's use needs to be specifically noted within the existing use table.

Chair Daulton noted that it would be beneficial for HopeTree to meet with Planning Commission members one or two at a time to go over the commercial uses line by line to remove any unneeded uses. There has been so much information given and more time is needed to go over the documents and suggested the item be continued until the April meeting.

Jackson Beamer motioned to approve to continue the item until the April 10, 2024, meeting. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

B. Amendment to the City Code - Chapter 106 Zoning

Hold public hearing to consider amending Chapter 106, Zoning, Article IV Development Standards, section 106-406 miscellaneous provisions of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to storage containers. (Continued from the November 15, 2023, meeting.) (Staff has requested to continue item)

Jackson Beamer motioned to approve to continue the item until the June 12, 2024, meeting. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing and consider the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155 - 2 - 2.2) from HBD Highway Business District to HM Heavy Manufacturing District.

Staff noted the following:

The subject property (744 Electric Road) consists of a 2.036 acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this parcel was formerly zoned HM Heavy Manufacturing until a 2007 rezoning reverted its designation to HBD Highway Business District. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 744 Electric Road to the HM Heavy Manufacturing classification. This request mimics several successful rezoning applications in recent months to revert the undeveloped land within the St. John Place Commerce Center to an industrial setting. This parcel is currently vacant, but a concept 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, 3553 Carvins Cove Road, appeared before the Commission and stated that this is the last tract of land in the St. John

Place development that is still zoned HBD, and the request is to rezone the parcel to HM, which is consistent with the other parcels in the development.

Neil Conner motioned to approve the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155 - 2 - 2.2) from HBD Highway Business District to HM Heavy Manufacturing District. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

B. Amendment to the Zoning Ordinance

Hold public hearing and consider the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20 - 2 - 4) from RSF Residential Single-Family District to HBD Highway Business District.

Staff noted the following:

The subject property (1200 blk Thompson Memorial Drive) consists of a 2.674-acre tract of land which currently sits within the RSF Residential Single Family zoning designation. The applicant is requesting a rezoning of the property from RSF to HBD to facilitate the construction of a gas station, convenience store, and drive through restaurant development. Situated adjacent to Interstate 81, this property is uniquely positioned to potentially serve the commercial needs of both travelers and local residents alike as there are no other commercial establishments currently located in this portion of Salem. Furthermore, the approved Edgebrook Development to the north of this site in Roanoke County may catalyze the evolution of its surrounding corridor. Still, the subject property is currently bounded (within Salem) by residentially zoned parcels, many of which serve single family homes.

A conceptual site plan has been included with the submittal that displays a proposed convenience store and restaurant positioned behind the gas pump structures (located closer to Thompson Memorial Drive). The exhibit indicates two separate access points – one which intersects Penguin Lane and the other with Thompson Memorial Drive. If this rezoning application is approved, this development project is subject to site plan review and corresponding compliance with Salem's ordinances.

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

Compton Biddle, attorney with OPN Law, 110 East First Street, Salem, appeared before the Commission on behalf of the property owners. He stated that they have owned the property since 2007 and during the course of their ownership, they have realized that the property is not developable as residential land and would like the

parcel rezoned to HBD Highway Business District in order to build a gas station, neighborhood store, and fast-food restaurant. He clarified that it will not be a truck stop and is not intended to serve 18-wheelers or accommodate them overnight—there is no room and no plans for it. It is designed to be a neighborhood store more along the lines of you get off the highway to go to your home and you need to get gas, you can get gas, get a cup of coffee in the morning, or if there is an urgent need like cold medicine or something, you don't have to get on the highway or go into town to get it—you can just go to the neighborhood store with the idea there also would be a fast food restaurant with a drive-thru next to it. He stated that the applicants have been residents in the community for 25 years and want to be good neighbors. This is not something an out-of-town business is trying to shove upon the community. The owners would like to have one of the gas pumps dedicated to a donation per gallon to Salem High School sports. They also have an extensive landscaping plan to try to keep the neighborhood feel that it's intended to be and to be consistent with the Thompson Memorial corridor. He stated that Ben Crew with Balzer and Associates is also present to further answer questions regarding the project.

Member Conner noted that a gas station is one of the more intensive uses in the Highway Business District.

A discussion was held regarding the traffic associated with a convenience store, if VDOT will need to be contacted; underground stormwater retention; the amount of rock on the site, etc.

Mr. Biddle gave the Commission the landscaping plans proposed for the site. He noted that the proposed plan is similar to the store located off of Exit 132 at Dixie Caverns and will have an EV charging station.

Chair Daulton noted that the speakers will have three minutes to speak during the public hearing and opened the public hearing at 7:48 p.m.

Jim Williams, Winston Estates, appeared before the Commission and asked for a show of hands of the people present who live in the area near the project. He then asked for a show of hands from those people who raised their hands who want the project. Case closed.

Archie Pugh, 1416 Evergreen Court, appeared before the Commission and stated that he is a lifelong resident of the City of Salem and has been a resident in Salem Woods for 28 years. He stated that he is vice president of a utility that covers 13 states, is a registered professional engineer in the states of Virginia and West Virginia. He further stated that he is not representing the utility, but feels it is important to know his background as he has a career in engineering, structural analysis, foundation design, and geotechnical engineering to enhance our transmission grid. He is opposed to the rezoning due to the high cost of site

development. The presence of extensive rock will result in a high cost of grading and foundation design, which is often underestimated and results in extensive foundation costs. When foundation and grading is over budget, it is usually the result for the developer to save those costs in the above ground structure, and he expects that to happen with this project. The significant drainage pattern that runs through the center of the property will result in an extensive cost of underground culvert system. There is currently a stream that flows on the property and has running water in it regularly. There is currently a four-foot culvert that takes the water away from the property and will incur additional subsurface costs in order to take the drainage away from the property. Due to this, he feels the developer will overshoot their foundation budget and developments costs and will save those on the above-ground structure. Very often there are suspicious out-of-state vehicles that come off Interstate 81 and park on Penguin Lane. He has called the police numerous times to come by to let them know they are being watched. If there is a commercial business on the parcel, it is going to give an avenue for people to come off the interstate and use the property for what he feels are suspicious activities. Finally, this exit is the gateway to the City of Salem. Currently there is a welcome sign, plantings, trees, and the beautiful boulevard of Thompson Memorial Drive. Roanoke College has made extensive enhancements to their campus entrance. This is the entrance to Salem, it's the entrance to Roanoke College. What do you want the traveler to see when they exit Interstate 81 and approach our beautiful city—a four-pump gas station sends the wrong message to travelers.

Carrie Pugh, 1416 Evergreen Court, appeared before the Commission and stated that she has been a resident of Salem Woods for 28 years. In her professional life, she was the assistant real estate manager for the Kroger company for over 21 years, handling new store development, but specifically the fuel center program in a six-state region. She personally led the development and installation of over 35 fuel centers and three of which are in Salem. From this experience in not only commercial real estate, but specifically gas stations, she is opposed to the rezoning of the property for the following reasons: she has spoken with VDOT, and it is not desirable for the egress of the site. According to discussions with VDOT and the Salem District P.E. Mr. Blevins, the standards of VDOT and the Federal Highway Administration, this site would not meet the spacing standards for commercial entrances, signals, intersections, and crossovers. The limited access right-of-way that is shown on the plan onto Thompson Memorial Drive does not meet the minimum traffic standards per VDOT. The code notes spacing for a commercial entrance in a 45 MPH zone to be 305 feet from the entrance ramp. Penguin Lane is currently in that 300-ish feet setback so that you have an idea of reference. Based on the survey in the proposal, it appears that the right-in, right-out is about 175 feet, which creates a dangerous situation from a traffic standpoint and would not be permissible. To have the only access point off Penguin Lane does not create a very desirable real estate site. In addition, the intersection at Penguin Lane and Thompson Memorial Drive would not ever meet VDOT's requirements for a traffic light. She also stated that there is almost 100 percent residential single family from

the 140 exit down to Roanoke College and highway business district is a big jump from that. Unless this use is proffered, the rezoning will open about 60-plus additional uses that could be on the property.

Blair Burns, 1204 Mountainview Drive, appeared before the Commission and stated that she has lived at that address since 1996, which is located at the end of Penguin Lane. She has similar concerns as the previous speakers. Thompson Memorial is our prettiest access to Salem. The other two exits that enter Salem are fully developed—hotels, restaurants, fast food places. Thompson Memorial is the only one that is memorable, and she would like to see it left as it is. She opposes the rezoning. The parcel in question is divided by Penguin Lane and if the property is rezoned, the other side of Penguin Lane could be developed as well. If this were to happen, she feels it would negatively affect the property values and negatively affect the viewshed when you come into Salem. Traffic is also a concern with gas tanker trucks coming into the property, beverage and other food delivery trucks coming onto the property at all hours of the night. Plus, it is already hard to find the right shot to get across the intersection at Thompson Memorial Drive from Penguin Lane, or to access the interstate from Penguin Lane.

Lawrence Kessman, 353 Penguin Lane, and has lived there since 2021 when they moved from Lake Wise in South Carolina, but he grew up in Salem and loves Salem. While he shares the other concerns addressed, he is also concerned about our children. Common sense tells him that if you build something right off the interstate, you are going to draw those travelers not from this area to stop there and wonder “what’s up this road” and then travel into the neighborhood and possibly bring predators into the neighborhood. The children need to be protected. He asked the Commission to listen to his constituents because their concerns are valid.

Don Thomas, 1304 Panarama Circle, appeared before the Commission and stated that like many of his neighbors, he is here to voice his concerns about the rezoning request. His perspective on the matter comes from both a practical and a professional standpoint. In addition to being a resident of Salem Wood Subdivision, he is a certified general real estate appraiser licensed by the State of Virginia and has been licensed since 1992. He stated that one of the criteria for a property achieving its highest and best use is for it to be financially feasible. He questioned if the finished site that the proposed rezoning provides a large enough footprint to achieve the necessary economies of a scale for an economically viable convenience store and asked if a feasibility study of the project has been given to the Commission. He also asked if a traffic study has been done to show the number of cars and trucks that must come to the site for it to be a financial win for the developer. He further stated that he can state with certainty that high value properties are without exception more negatively affected by undesirable external influences and are affected at a higher rate than lower value properties. According to the city’s most recent reassessment, the average market value for the 86 homes

in the neighborhood is approximately \$460,000. The Virginia Association of Realtors published in January that the median home sale price in Salem is about \$250,000.

Paul Scolneck, 1309 Winson Drive, appeared before the Commission and stated that he shares the concerns previously shared and emphasized the traffic issues. He stated that if you're going south on Penguin Lane and turn left to go east on Thompson Memorial Drive, it is a very difficult turn as there is traffic all day, but at certain times it is almost impossible to make the turn due to the traffic. Likewise, if you are going east on Thompson Memorial Drive and try to turn north onto Penguin Lane, it is also difficult to make that turn. He feels that if a traffic study were done, this project would be "dead in the water." He asked the Commission to consider all the concerns that have been mentioned.

Chair Daulton paused the hearing at 8:06 for a brief break. The meeting was reconvened at 8:11 p.m.

Gary Saunders, 367 Penguin Lane, appeared before the Commission and stated that he has lived in the neighborhood twice. He stated that a commercial establishment is being proposed but half of the traffic coming into the site is channeled back out into a residential neighborhood. Unless you live on Penguin Lane, you don't realize how many people go onto Penguin Lane and think they're on the ramp to I-81. He and his neighbor had the fun of repairing our yards last winter after a tractor trailer came on Penguin Lane and used our front yards as the cul-de-sac to turn around in. He opposes the rezoning.

Buster Mowles, 342 Academy Street, appeared before the Commission and stated that he does not live near the parcel, but lives in Salem and has his entire life. He stated that curb appeal is a big deal, and that exit is our curb appeal to Salem. He travels to see his grandchildren in Maryland and Florida and uses that exit to get back home and feels that the gas station will end up looking terrible and we don't need something like this for the entrance into our city. He opposes the rezoning.

Virginia Frame, 1412 Evergreen Court, appeared before the Commission and stated that she has walked the neighborhood with a petition to be presented to City Council that nearly everyone has signed saying they are against this project.

Curtis Ellwanger, 150 Freedman Lane, appeared before the Commission and stated that he lives in the house that you cannot see and has lived there for 24 years. The drive-thru being shown in the proposal will be 17 yards from his front door. He stated that when his water system was installed, it had to be blasted to place the water line and he could not connect to city sewer because it would be too expensive blasting to install it; therefore, he has a septic tank which is right near the property line of the parcel. He is concerned the affects the blasting to clear the site will have on the foundation of his house. He further stated that even though this is not proposed to be a truck stop, trucks will stop there. Trucks currently stop along the

entrance ramp to Interstate 81 and he has the Virginia State Police on speed dial for tractor trailers using the entrance ramp as a truck stop. He is opposed to the rezoning as he feels it will cause damage to his house and he doesn't feel it is for the well-being of the rest of the neighborhood.

Tracy Patton, 318 Penguin Lane, appeared before the Commission and stated that she and her husband have lived there approximately 17 years. They love their home, and this is the most beautiful entrance to Salem. She feels the development—blasting will cause damage to other homes and will decrease the property value of the homes in the neighborhood.

Susan Robertson, 1400 Evergreen Court, appeared before the Commission and stated that she feels the truck traffic parked along the entrance ramp to Interstate 81 will get worse once there is a convenience store. It is a safety hazard and a fire hazard. There are woods all around and it is a haven for wildlife that will be affected. She opposes the rezoning.

Bill Robertson, 1400 Evergreen Court, appeared before the Commission and stated that everyone has had a lot of important points—traffic safety, traffic merging off the interstate to get to a ramp here to get fuel is going to increase the risk and accidents. The City of Salem Emergency Services is going to bear the cost of that so any tax revenue that might be gained from this project is going to be quickly offset by servicing. He stated that fuel will be leaked into water and wildlife will suffer. He purchased his residence due to the secluded entrance and the proposed development will destroy that. He opposes the rezoning.

Russell Deyerle, 620 Red Lane, appeared before the Commission and stated that he was originally present due to the other major item, but decided to stay for this item. He stated that he has an uncle who owned a gas station in South Carolina that was near an exit ramp but closed it down due to the number of times it was robbed being that close to the entrance of the interstate. He further stated that I-81 is like I-95 and is considered corridors for trafficking children, sex trafficking, as well as gun trafficking. He feels that adding something like this could add problems, crime, to the neighborhood. He is also concerned about the traffic issues. He opposes the rezoning.

Ted Dyer, 357 Penguin Lane, appeared before the Commission and stated that he also owns 15 other properties in Salem. He stated that the "bunny trail" is not an adequate second way to get out of the neighborhood and has been overlooked by the city for years. If a fuel trailer or tractor trailer can get on this property, so can any other tractor trailer coming down the interstate and they are not going to change the way they service this. Second, the extra property on the side can now allow for the Ferrell's property and the Winston's property that is for sale right now for about \$875,000 to be resold. He stated he would buy it tomorrow and put five hotels on the property. This development will change the entire gateway of how

our city looks by allowing this to happen. You can have several different businesses on the property if it is rezoned and this is the one chance to veto changing a residential single-family parcel to highway business. There are other EVs in Salem—they are at all the Sheetz stores. He also has a petition of over 140 people and counting who are neighbors in the community of this city opposing the rezoning. The Penguin Lane neighborhood is a great community, it is a high-function, highly involved members of the Salem community—business owners, car dealers, schoolteachers, principals, lawyers, doctors, clerks of this city, public workers, employees of the city, construction workers, retirees, etc. It is simple, we as a neighborhood and taxpayers do not want a gas station and do not want a zoning for highway business into our residential single-family neighborhood and will do little for our neighborhood. We have managed without a gas station for years and can live many years to come without another gas station. He feels that this store will mainly cater to interstate traffic, and he will not stop at this store if it affects the way I drive to Salem.

Gary Sovine, 1229 Forest Lawn Drive, appeared before the Commission and yielded his time to Mr. Dyer.

Mr. Deyer stated that we are here to look at the possibility of the land use, and not what could possibly go on the parcel. If the rezoning is approved, he will purchase 27 acres for sale and will change the way the gateway to our city works. Our city is pretty, our city is elegant, and we should not change the major gateway. As this moves forward to City Council, we will petition, and our petitions will continue to add over 200 names to show that the community of Salem does not wish for this to be a high business district and to remain a residential single family.

Mr. Sovine, reappeared before the Commission and stated that he has a concern for safety. He knows what safety is like on the highways as he had a daughter killed in 1995 because of an intersection that is not even quite as bad as this one. He opposes the rezoning.

John Byrd, 1803 Winston Drive, appeared before the Commission and stated that he is concerned about the crime, litter, light pollution, and the Gish branch which is the name of the little stream on the property. He does not feel this is an environmental win or a win for the City of Salem. He opposes the rezoning.

Stella Reinhardt, 213 North Broad Street, appeared before the commission and stated that he agrees with all the previous comments. She stated there are other gas stations at the other exits to Salem. This is the pretty entrance to Salem. She opposes the rezoning.

Dennis Twine, 349 Penguin Lane, appeared before the Commission and stated that he is the next closest to the development and has lived there 20 years. He has multiple items stolen and feels this development is not a good idea.

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

Chair Daulton closed the public hearing at 8:43 p.m.

Mr. Biddle reappeared before the Commission and asked that the Commission continue the item so that the issues brought forward in the meeting can be addressed with a neighborhood meeting.

Neil Conner motioned to continue the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20 - 2 - 4) from RSF Residential Single-Family District to HBD Highway Business District to the April 10, 2024, meeting.

Ayes: Beamer, Conner, Daulton, Garst, King

5. Adjournment

Neil Conner motioned to adjourn at 8:46 p.m. Jackson Beamer seconded.

City Council meeting, March 25, 2024, 6:30 p.m.

Council Chambers, City Hall, 114 North Broad Street