

# **Planning Commission Meeting**

## **MINUTES**

**Wednesday, May 10, 2017, 7:00 PM**

Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

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### **1. Call to Order**

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 N. Broad Street, at 7:00 PM, there being present the following members to wit: Vicki G. Daulton, Denise P. King, Reid A. Garst II, N. Jackson Beamer, and Samuel R. Carter (absent); with Vicki G. Daulton, Chair, presiding; together with Charles E. Van Allman, Jr., Director of Community Development; Benjamin W. Tripp, City Planner; Mary Ellen Wines, Zoning Administrator; and William C. Maxwell, Assistant City Attorney.

### **2. Consent Agenda**

#### **A. Work Session Minutes of April 12, 2017**

Consider approval of the minutes of the April 12, 2017, work session.

Approved as presented

#### **B. Minutes of April 12, 2017**

Consider approval of the minutes of the April 12, 2017 meeting.

Approved as presented

### **3. Old Business**

#### **A. Vice-Chairman**

Consider appointment of Vice-Chairman.

Chair Daulton noted this date has been set to consider the appointment of a new Vice Chair. She asked if there were any recommendations for Vice Chair. Reid Garst nominated Denise King for the Vice Chair appointment. Jackson Beamer noted that he was in agreement.

Reid Garst motioned to appoint Denise King as Vice Chair of the Planning Commission. Jackson Beamer seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

#### 4. New Business

##### A. Special Exception Permit

Hold public hearing to consider the request of Laura and Robert Owen, property owners, and Mount Regis Center, lessee, for the issuance of a Special Exception Permit to allow an outpatient mental health and substance abuse clinic on the property located at 120 Roanoke Boulevard (Tax Map # 121- 9 - 3).

The Executive Secretary Pro Tem reported that notice of such hearing had been published in the April 27 and May 4, 2017, issues of the Salem Times Register and adjoining property owners were notified by letter mailed April 24, 2017.

Staff noted the following regarding the request: the subject property consists of one parcel, located on the south side of Boulevard, near the intersection with South Colorado Street. The property is approximately .34 acres, and is occupied by a single story office building. After the original facility at 405 Kimball Avenue was destroyed by fire, Mount Regis moved its outpatient administrative offices to this location temporarily. The applicant intends to rebuild at the original location but due to the time involved for reconstruction, they would like to temporarily operate the outpatient mental health and substance abuse clinic at this location. The treatment provided by the proposed facility would be limited to counseling for clients in early recovery and for their families. No medications are dispensed. This use is intended to be of a temporary nature, lasting approximately two years until the Kimball Avenue location can be rebuilt. The applicant has voluntarily proffered that if approved, after no more than two years they will request the revocation of this permit.

Chair Daulton asked if there was anyone in attendance to speak on this matter.

Curt Lane, CEO of Mount Regis Center, 125 Knotbreak Road appeared before the Commission explaining the Special Exception Permit request. He read the letter submitted to the City along with the petition for the benefit of those in attendance.

Commissioner King noted she thought it was made clear to the Commission in the letter submitted that there will be no drugs of any kind dispensed at this location. Mr. Lane noted that she was correct. Drugs will not be involved in any way at this facility. This is no different than marriage counseling; patients come they have a one hour session and then they leave. If they are in their education class then they come for three hours. This is strictly outpatient and strictly counseling with no medications whatsoever. Mrs. King asked what would be the hours of operation. Mr. Lane noted that they have afternoon and evening classes. They are hearing from the community that there are a lot of parents who have children who are experiencing drug problems. The children are not engaged in treatment, and the parents do not know what to do. They need support, education, and direction. Their

plan is to create a community support class for those parents so this would be an example of a one hour session. They will probably offer this in the evening when most people are off work. This is a typical example of what they would be doing at this location. Mrs. King asked how many staff will be working at this facility as she noted when viewing the property that there might not be sufficient parking during the daytime. Mr. Lane noted that currently they have only two business personnel located here and as they introduce this program, the staffing would grow as the program grows; however, this is not a high capacity program at all. The evening class usually consists of a cap of twelve patients. By the nature of the therapy that they do, they cannot have a very large group because it is educational and people cannot participate in an education process if the group is too large. They would probably have at most two counselors involved in this program and they might have one clerical assistant, which would be day and evening for the counseling side. And again, on the business side they only have two personnel.

Chair Daulton noted this would be group therapy sessions in the evening, and Mr. Lane noted that this was correct. He noted that they would also like to introduce group education for the parents. Mrs. Daulton noted with the nucleus of 12 which was mentioned earlier, will there be additional family who would be there at the same time. Mr. Lane noted that they do offer a family program but it is not part of the three 3-hour sessions that he mentioned. The family is not there for those sessions. They do have them involved once a week for about an hour for the educational information. She noted that she thought he had answered her question related to the substance abuse clinic. She asked how he would characterize the difference between a substance abuse clinic that they will be providing and one that would be dispensing medication. He noted that he understands the concerns of the neighbors and they are very sensitive to those concerns. They share this concern and this is why they do not do this type of therapy. They do not use methadone and most people equate substance abuse services with methadone clinics. Mount Regis Center does not use methadone. We are a counseling based center and do use medications to detox patients the first week of their treatment. They have a psychiatrist who will start patients on medication that anyone of us might receive such as Zoloft or Prozac after they are out of detox. He further discussed medication dispensing and behavioral health related to substance abuse.

Commissioner Garst asked Mr. Lane where they had been providing these services since the fire at the Kimball Avenue facility. Mr. Lane noted that this is a good question. This is the problem as they have to find a place because there is a great demand for these service. They do not have these programs up and running and are kind of waiting to see what is going to happen with this building. At the current time, they have a residential IOP program where the patients stay at Mount Regis Center for these services. So for the current time, the services are being provided at their current location on Knotbreak Road. Mr. Garst asked if they were outgrowing this and Mr. Lane noted that yes they are basically.

Commissioner King noted she understands that this location on Roanoke Boulevard will be temporary. Mr. Lane noted that she was correct. Mrs. King noted that this is temporary while they rebuild the facility on Kimball Avenue and so we are talking about perhaps a two-year term or until they receive an occupancy permit. At that time then everything would move back to Kimball Avenue. Mr. Lane noted that this is correct. He further noted that they are not involved in the process right now. It is up to the insurance company as to what to do with the facility and the timeliness of rebuilding, but they do have a voice in what they want done. He thought they are getting close to end of getting appraisals, etc.

Commissioner Beamer noted that they are doing this service at their current facility and have outgrown it. Mr. Lane stated that this is correct. Mr. Beamer asked him if the hours would be from perhaps 8 in the morning until late at night. Mr. Lane discussed the assessment of patients. The people who come to the classes are vetted very thoroughly so most of them work and therefore these are evening classes. Typically the classes are Monday, Wednesday, and Thursday evening from 6 to 9. Patients come at the time of their session and leave once it is over. They hope to also offer an afternoon class with the same pattern 3-hour sessions three days a week. This is very typical of marriage counseling and based on the same model as any other outpatient model for behavioral health.

Dr. Eugene Bane, property owner at 115 Boulevard, appeared before the Planning Commission. He noted that he and his wife have a vested interest in this request as their building is located across the street from this building. His building is currently leased to Joe Baba of Joe's Deli and to Yvette Reynolds of Premier Benefits. They have some concerns about having this type of facility across from their building. This type of facility has a tendency to reduce real estate values. Even though they have indicated that this is a temporary facility, they are concerned about the future of it. In talking with the Planning Department yesterday, he was told that once this Special Exception permit is issued that it goes with the property, which means that when Mount Regis moves away it is still part of the property and is still available for a new entity to come in. They believe that Mount Regis which has been here for a long time in Salem has an excellent reputation in Salem and does things right; however, they are not sure what might happen once they move out. They would like to see that a clause is put on the Special Exception permit that will allow it to be removed. He noted that he was on the Board of Trustees of an optometry medical school in Memphis, Tennessee for eight years, and they had a small parking lot that separated the students academic buildings from a substance abuse clinic. The people coming to the clinic would park their cars in the student parking lot. Then they would throw out their fast food wrappers, their cigarette ashtrays, and their syringes and needles into the parking lot. Then they would go to the clinic and get their drugs. Once they got back in their cars, they would sit down, turn the radio up loud and start taking their pills or whatever. When the female students arrived at

the school, they would harass them as they came into the school. The Board was very distressed with having this facility and voted to purchase the building and when their lease ran out, they did not renew it. So as a result, this was the only way they were able to get rid of the clinic. He noted that they are concerned about the proposed center messing up the parking. Mr. Baba's restaurant is open on Thursday evenings so if the clinic is open Thursday evenings then there are going to be 12 cars parked there on the street which could eat up a lot of the parking that his customers use. Further, they are not totally convinced that it could not build up and become more than what has been mentioned this evening. He doesn't understand why they don't have room in their new facility to have the outpatient facility at that location. He further noted that they want language saying that there will absolutely be no medications dispensed at this proposed facility. They do not need a methadone pharmacy across the street from their building and it could evolve into that sort of thing if we do not have some strong language in this Special Exception permit.

Commissioner Garst noted that Dr. Bane's biggest concerns are the potential for drugs to be prescribed there or even used there by the patients and also the duration of the use. He asked if this was correct. Dr. Bane noted that he was correct and the fact that it does tend to reduce real estate values. Mr. Garst stated if we had mechanisms to make sure it was temporary does he think that it would be a lasting effect on real estate values. Dr. Bane noted that he does not know that it would be an immediate thing but he is concerned about the future and the possibility that some less desirable substance abuse group could move into this building. He noted that he was told yesterday that the permit will stay with the property. Mr. Garst asked who had told him this. He noted that it was a lady in the Planning Department. Mary Ellen Wines noted that she was the one who had spoken with Mr. Bane and that it was before they had legal clarification. She noted that normally a Special Exception Permit goes with the property and not the tenant. But after speaking with legal counsel, we do have some mechanisms to control this situation. Dr. Bane noted that he wants to make sure the language is in the approval.

Richard Smith of Spartan Silkscreen located at 107 Roanoke Boulevard appeared before the Commission. He noted that he owns the business and the property. He noted that they have some concerns. He is aware that Mount Regis has been great for the community and the people in the community. He does not want to step on their toes and say that we are not going to support them. He has gone through a fire just like they have and he knows what they are going through. If we are going to do a temporary permit, then let's do a temporary permit. We need to make sure that the property stays as is and give them a temporary business permit to operate the facility for a set time. We need to review this after a year or two. He further discussed the proposed use of the facility and the fact that this is a new venture for them and they do not know how this is going to go. He believes that we need to place restrictions on the hours and restrictions on what they can and cannot do such

as the dispensing of drugs. We need to make sure that they are abiding by the restrictions and if they are not, then the City should pull the permit. We need to make sure that we set the guidelines and the groundwork so that we can control it if it gets out of hand. Again, he is not going to say they are not a needed commodity because they are, and they are great for the community.

Daniel Austin, owner of Dominion Service and West Salem Collision Center, appeared before the Commission. He noted the reason he moved to Salem is because of the support from other businesses. He thinks all of the businesses in this area are very proud to support other businesses like Mount Regis Center. From what he is understanding is that this is a temporary permit which will put a deadline on things. When you have a deadline, you tend to get it done quickly. His concern is this - how close is this facility to the junior high school? When he first got here tonight this was what he was concerned about because he thought it was a methadone clinic and did not know it is just for counseling. However, there are a lot of different types of people that need help and at any given time on a Friday afternoon, there are hundreds of children walking by this facility. The only concern he really has is the protection of our pride of the city. He would like for the Commission to take this into high consideration. If there is an amendment with a deadline for the permit, then he is all for it.

Jim Cowan of Cowan Perry, 1328 Third Street, Roanoke, appeared before the Commission. He noted that his firm is counsel and represent First Citizens Bank. First Citizens Bank owns the branch next door and is the immediate neighbor to this property. He noted more importantly they share a parking lot with the proposed lease space. Parking in this area is an issue already and they share some of the same concerns which have been voiced. They also share respect and compassion for the mission and what Mount Regis is trying to do here. What they want to do is ask the Commission to set back and say why is this a use that requires a Special Exception Permit. We have a number of uses in this district that can be done by right and others which require a Special Exception Permit. The reason for the Special Exception permits under the City's zoning ordinance is that those uses are recognized to have an additional adverse and generally considered potentially negative impact on their neighbors. So part of that process is so that as much can be done as possible to mitigate those adverse impacts of some of these types of uses. One of the questions they have is what is being done here. Not every property can be mitigated and sometimes we can put a landscape buffer between two uses to mitigate the impact. We can control hours of operation, determine where access is, etc. But not every lot lends itself to sufficient mitigation to address that issue in its totality. Their concern here is that this is a location where it is very difficult if not impossible to mitigate some of those adverse impacts on the neighboring property. The bank has been an owner and operating business here and has been an very active member of this community for many, many years and they have concerns. There is an ATM now at this property. They have concerns about their customers

who use this parking lot and may have interactions with people coming to the clinic. We need to be mindful of this. Their question is what has been done or can we really do anything at this location to truly sort of mitigate some of the impacts on the adjoining businesses and property owners. And their view is they are not sure we can and they would like the City to look to that mission. The reason we have the Special Exception process is to be able to ask the question is this an appropriate location? He has not really seen a lot concrete information that addresses and really attempts to mitigate in a meaningful way the impact on their client's adjoining business.

Joe Baba, owner of Joe's Deli, appeared before the Commission. He has been at this location, 115 Roanoke Boulevard, for almost four years. He finally found his spot in Salem and he has been in the City since 2001. This is the location he really wants to stay in. He has a family and four children who he has to support. Thanks to Dr. Bane for allowing him to rent his building he is able to support his family. He has customers from all around Salem and beyond. His concern as a business owner is the parking in this area is limited. He noted that his main concern is his business and everything he has invested in his business. He is concerned not just about the parking but possibly any kind of outside people coming towards his shop and disrupting his business. He was in two other locations near Mount Regis and at one location he had a problem with stragglers coming down and taking their break at the store next to his restaurant. These people would loiter towards his customers. He cannot allow this and cannot have this towards his business. At this point he respects that there could be offices at this location which can better his business, but as an outpatient treatment center he is a realist and he understands what comes with this type of facility. He does not want this to interfere with his business. Again he has been here since 2001 and he is looking to stay here another 15 years. He noted that everything is great at this location and now the City is planning to make some improvements to the downtown. He has problems with the counseling part of the proposed business as this might interfere with his business as a whole. He serves alcohol at this restaurant and has evening events, and he does not want to cause someone to jump off the bandwagon possibly because of his serving alcohol. He does not want to lose his business and his customers over little things that he has seen in the past. He is a realistic person, and he understands what could happen as we go further with this. He further noted the children who walk through this area; we need to be concerned about them. He noted that he hopes the Commission will take all of this into consideration.

Chair Daulton noted that the Commission appreciates his concerns. She said she thinks what might be best at this point in the request is to ask Mr. Curt Lane to come back up address some of these issues noted here, if there is no one else who would like to speak. She stated she wanted to let everyone know that the Planning Commission is a recommending body only. The Commission will recommend to City Council whether or not a Special Exception Permit should be granted. It is not

up to the Commission to decide the final outcome. She stated that those in attendance should bring all their concerns back to City Council at their meeting, which she believes is on May 22. She asked Mr. Lane to come back and address the concerns.

Mr. Lane noted that he appreciates the opportunity. He noted that they have raised some excellent points, and he anticipated their concerns as it comes with the territory of what they do. He has been a small business owner himself and particularly in real estate so he understands real estate values. He believes the concerns are well based, based on the public's understanding of a substance abuse facility is. He state he would gladly proffer any conditions in writing to include: (1) Mount Regis Center will not dispense any medications, which has nothing to do with the service they are providing, (2) he will also provide the hours of their services, (3) they will be glad to work with the bank to control the parking as best as they can, to monitor it, provide signage, and let their clients know where to park, etc. He noted that the patients we are talking about here for this type of service are school teachers and police officers. They are people who hold jobs and are just like us. Mount Regis is a volunteer facility. They are not high end, but they are certainly a facility dedicated to the middle class. So these people are gainfully employed, and this is why they offer evening classes. Most of clients are parents themselves so he understands the concern about the children. He understands that the people are not familiar with the population that they treat. For any new services such as the things he mentioned in terms of offering outreach to families and parents, they will coordinate this with their neighbors. They will try to work around their business hours and speak to them to make this work for everyone. The intention is to help the community and certainly not to negatively impact even the ones adjacent to them. He will be glad to proffer all these things in writing.

Chair Daulton noted that he had mentioned the reason why they do not want to integrate the outpatient into their new inpatient facility on Knotbreak Road. Mr. Lane noted that it is a standard practice that they usually do not mix inpatient services and outpatient services on a voluntary unit. If there is a locked unit, which they do not, then they can separate the two populations. It is a standard practice that they minimize the traffic, whether it is patients or even visitors, coming through a facility such as this one. When their new facility was being built, the historic Mount Regis Center was intact they had planned and budgeted for the new building not to house their outpatient services.

Chair Daulton noted she was on the Commission when they came to request the new inpatient facility. One of the questions which came up at that time was about the children at the Montessori school. She asked if he could tell us a little about how that relationship is between the school and Mount Regis. He noted that they had asked the school what would make them more comfortable and so they asked for a fence and they built two fences. He noted that they have had no complaints



from them. They made a personal invite for them to attend the open house and grand walk through of their facility. He noted that there were quite a few people in attendance so he is not sure if anyone came from the facility. They have endeavored to be good neighbors and to be responsive to their concerns.

Commissioner King noted that the former location on Kimball Avenue is next to a childcare at Bethel Baptist Church. Mr. Lane noted that the location is right up the hill from Bethel Baptist. She asked him if he could tell what incidents have taken place with them being located near the daycare. He stated that there were no incidents whatsoever and in fact the pastor of the church was one of their strongest supporters. He actually let them hold classes at the church after the facility burned. They had patients that they had committed to take care of and just because their facility burned they would not turn them out until they felt like they were ready. So the church allowed them to use their facility for this purpose. Again, there be no issues whatsoever. In fact, when they were petitioning the City for the new facility on Knotbreak Road, they went around to their neighbors in the Kimball Avenue area and got 200 signatures saying that they were very good neighbors and had not created no trouble for them. Further, children walk in front of the facility on Kimball Avenue all the time and in fact, one of the first things he did was to put a sidewalk running the length of the property.

Mrs. King noted that there was an issue raised about loitering. She asked what measures Mount Regis would take to ensure that this would not happen. Initially when we hear substance abuse clinic, all of us think of a methadone type clinic and this is a counseling service very much like marriage counseling, but at the same time, we want to make sure there is no loitering. Mr. Lane noted that this is a very good point. The licensed professional counselor, Director of Outpatient Service, will be there and tell them that they cannot stay and talk. They will simply tell the patients they cannot hang around the building. He noted that they will put information in the written orientation packet to let them know.

Commissioner Garst asked Mr. Lane why they picked this location. Mr. Lane noted that they were a bit rushed to find a location for their business offices. They did a quick search and found this building was available and moved the business offices here. It is a good location for their outpatient services as it is mostly in a commercial area. Again, they are sensitive to the fact that people are a little uncomfortable to them being in residential areas. Further, the building lends itself well to their needs. Mr. Garst noted that was good for the admin part of the business and just kind of decided to extend that into the outpatient services side of things. Mr. Lane agreed with him noting it is functional, in a mostly commercial location, easy to find, and easy to monitor and control.

Commissioner Beamer asked Mr. Lane if they had offered this type of service at the facility on Kimball Avenue. Mr. Lane noted that they have provided the outpatient

services at that location for more years than he is aware. Mr. Beamer asked how many staff they had at the location on the Boulevard, and Mr. Lane noted that at the Boulevard location during the interim when they were not operational they had 20 staff working. Mr. Lane further discussed the outpatient services at the historic facility.

Commissioner Garst asked how long did they have 20 people working at the Boulevard location, and Mr. Lane noted it was probably about three months. Mr. Garst asked if he expected to have this kind of people load in there now. Mr. Lane noted that he did not think so. He noted they currently have two staff members working there and when they move the outpatient services here, it will be administered by one counselor. As the program takes on the new functions that he discussed, they would probably add a second counselor and a clerk. So there would be 4 or 5 staff members working at this location.

There was also further discussion about the bank next door and the parking lots which are adjacent. Mr. Lane noted that they try to monitor the parking very closely and make sure they are not parking in the bank's parking. Further it is very important to them to be good neighbors.

Chair Daulton noted that the former Vice Chair of the Planning Commission was very involved with Blue Ridge Behavioral Healthcare and he was very up on a lot of the statistics regarding substance abuse and the amount of every day people who have a need for their services. She asked if he could comment very briefly about the statistics. Mr. Lane noted that about 15% of the population needs treatment currently and only about 3 to 5% of that population will receive treatment. If we look at people who are receiving any type of mental health counseling, be it for depression or anxiety or marriage counseling, about 30% of those people have an active substance abuse problem. The difference between Mount Regis' program and their program is that Mount Regis tests their patients to make sure they are not using and they do not. In the general population at any point, there is about 15% of people who actively have a substance abuse problem and only about 5% will get treatment through a facility such as Mount Regis.

Commissioner Garst asked if he is saying that the only people they will have at this facility have been tested. Mr. Lane stated this was correct that they will be tested as they test their patients all the time. They test them at the time of admission, and they are tested weekly and sometimes daily. This shows them that they are in an environment which is entirely accountable. Further, they do breathalyzer tests every time they come on the facility. If there is any type of alcohol, they are rejected from the program. Mr. Garst noted that they have to be clean to go to this facility, and Mr. Lane noted this was correct and that they are monitored.

Mr. Maxwell noted there was an issue raised earlier about the temporary nature and

he does not think that this has been addressed in the conditions. His recollection of the report was they were talking about a two year period, and while we are committed to put restrictions on the request, he thinks it would be a good idea to formulate something to make sure the applicant is in agreement to what the Commission suggests. One suggestion might be if it is for two years, that the permit will be good for two years or upon the issuance of an occupancy permit for the replacement facility or whichever occurs first. In other words, if they get in the replacement facility finished in a year and a half then the Special Exception Permit would expire.

Chair Daulton noted that the conditions are not proffered but will be placed on the Special Exception Permit as a part of the approval. She noted the conditions: a two year time frame or a certificate of occupancy for the replacement facility before the two year period, no medicine to be dispensed, and the hours of operation. Mr. Tripp noted that the hours have not been discussed. There was further discussion regarding the hours. Mr. Lane noted that he thought just for the outpatient services the hours would be 12 to 9:30 pm, Monday through Friday. Chair Daulton asked staff when Mr. Lane would need to get this in writing to the City. Mr. Maxwell noted that as part of the Commission's recommendation they can go ahead and formulate the conditions this evening. Then City Council can always modify those conditions. There was further discussion regarding the recommendation to Council.

Mr. Smith noted that the Peacock Salem building is getting ready to be renovated. A lot the employees who were working here previously were parking in the Peacock Salem parking area as there was not enough parking. So he thinks we need to consider this since they will not be able to park at that building when they start the renovations. He asked if the patients who would be using this facility will be tested just like they have been at the other facility. Mr. Lane noted that they would be tested.

Lisa Hatcher of Mount Regis Center appeared before the Commission. She noted that she is actually one of the only two employees who works at the 120 Roanoke Boulevard location at this time. She noted someone behind her in the audience mentioned that they have seen more cars at this location. She conducts business operations here so she has meetings from time to time, and they are always very respectful. In particular if she has a meeting and it is around lunch time, then she tries to be a good neighbor and actually gets food from Joe's Deli. As far as employees parking at the Peacock Salem building, they did have someone park in this lot on the first day they were using this building. She has to say she is sorry that it was her. She thought that they haven't used the property for years so she thought they would not mind her parking there. Within one hour, the new owners of Peacock told her associate that they do mind them parking in their lot. After this, Mr. Lane sent out a message to employees letting them know the bank did not want them using their lot and Peacock Salem did not want them using their lot and to please be

respectful.

Mr. Austin noted he would like the Commission to consider another restriction. He thought a lot of the problems associated with this type of facility comes from the people who walk to the building. We can probably eliminate the loitering and some of the shenanigans that go on if we require the patients to possess a drivers license so their coming and going would be restricted to this property as opposed to walking through neighborhoods. He noted that he owns a property in Roanoke next to a similar facility where urination in driveways and accosting women goes on. He does not want us to lower our standards and thinks that if they have a drivers license and are arriving in a vehicle instead of walking through neighborhoods to get to these meetings. There was further discussion regarding people who attend the facilities such as Mount Regis and the placing of this type of restriction on this request.

Mr. Cowan noted that he wanted to address the parking issue. If the Commission is so inclined to just consider some conditions regarding the parking from their perspective. It was mentioned earlier how did they pick this location for their business. It sounds like for office use they picked it for some good reasons, but he does not think there was any consideration of whether this was the most appropriate location for the outpatient treatment services. And, he thinks it is a location that is very difficult to mitigate some of the concerns we have heard from the adjoining business owners who have been here for a long time and that causes issues for their patrons and this is a concern. If people do not want to use this bank location, then it is a concern for the bank. He further discussed the parking issue and placing a condition about parking. If we put a condition that they are responsible for preventing their folk from parking in the bank's parking area, then there would be accountability. Mr. Maxwell noted anyone who has a business knows that it is very hard to control parking as an owner or a tenant of a building. Further, he does not think it would be appropriate for this to be a condition for the use of the property. Mr. Cowan noted if we cannot control the parking then it might not be an appropriate location for this use, and Mr. Maxwell noted that he did not think anybody can control the parking. Mr. Garst asked if the banks hours are 9 to 5, and Mr. Cowan noted that he thought was correct, but the ATM is open obviously 24 hours a day. Mrs. King asked where the ATM is located at the bank, and it was noted that the ATM is on the side of the building in between the buildings.

Mr. Baba noted that he cannot really ask the Commission for restrictions for this request, but he is opposed to it because he is business owner, and he opposes the fact that there will be a rehab center right across the street from his business. He is not a property owner so he cannot do anything about this. The only thing he can do as a tenant is to take action on his own to remediate himself from the building he is in right now. His gut feeling is telling him that his business is not going to be secure at this location any more. Commissioner Beamer noted that Mr. Baba has parking in the back of his building, is that correct? Mr. Baba noted that this is correct. Mr.

Beamer noted there is a parking lot across the street from his lot, and he asked who owns that lot. Mr. Baba noted the lot is owned by Union Bank. Mr. Beamer asked if anyone could use the lot, and Mr. Baba noted that no one can touch the lot.

Someone in the audience noted that the City of Salem Fire Department uses part of the lot. There was further discussion regarding the lot owned by Union Bank. Mr. Baba further discussed the proposed use and how this facility is going to affect his business and his family.

Mr. Austin noted he is trying to understand something and has a question for Mr. Lane. If Mount Regis is trying to keep the inpatient and the outpatient services separated, how did they do this before they built the new facility? Was it all under one roof and it is not common practice to keep them separated?

Mr. Lane noted that this varies based on the ability and capacity of the program and what they are able to do. When he first came to Mount Regis, they were on Prince George Street in Roanoke and they did outpatient counseling, evening classes, and individual therapy. They were there for a number of years, and it came back to the facility in Salem. They just outgrew the facility on Kimball Avenue, and this was one of the factors for the new facility that they could not separate inpatient and outpatient.

Commissioner Garst asked if the facility becomes bad actors somehow, can the Special Exception permit be revoked? Mr. Maxwell noted that if they are in violation of the conditions imposed, then the permit could be revoked.

Commissioner King made a motion to recommend approval of the request with conditions. Commissioner Garst asked to amend the motion for the hours to be Monday through Friday from 5 to 9 pm, which would eliminate this interfering with any traffic from the middle school, which has been a concern, and the bank closes at 5, which would eliminate cross pollination with the bank. Further it would be 5 days instead of 3 so hopefully this would be a better solution. Mr. Lane noted the purpose of offering afternoon intensive outpatient classes is for people who work later shifts and cannot attend the evening classes. So they typically offer a 1 to 3 pm class on those same days. This was why he was saying 12 to 9:30 pm. There was further discussion on the amended motion.

The vote on the amended motion stood as follows:

N. Jackson Beamer - Aye; Reid A. Garst - Aye; Denise P. King - Nay; Vicki G. Daulton - Nay, and Samuel R. Carter- Absent.

Denise King motioned to recommend to the Council of the City of Salem that the request of Laura and Robert Owen, property owners, and Mount Regis Center, lessee, for the issuance of a Special Exception Permit to allow an outpatient mental health counseling center on the property located at 120 Roanoke Boulevard (Tax

Map #121-9-3) be approved with the following conditions: (1) no dispensing of medications, that it is a counseling treatment center only; (2) the permit is valid for a period of two years or the issuance of a Certificate of Occupancy Permit for the current facility to be rebuilt on Kimball Avenue, which ever comes first; and (3) the hours of operation for outpatient services will be Monday through Friday from 12 to 9:30 pm. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

#### **B. Special Exception Permit**

Hold public hearing to consider the request of Beckner Living Trust, property owner, and Daryl and Marlene Beckner, Trustees, for the issuance of a Special Exception Permit to allow an accessory apartment in a proposed attached garage addition on the property located at 844 Roanoke Boulevard (Tax Map # 158-5-5).

The Executive Secretary Pro Tem reported that notice of such hearing had been published in the April 27 and May 4, 2017, issues of the Salem Times Register and adjoining property owners were notified by letter mailed April 24, 2017.

Staff noted the following regarding the request: the subject property consists of one parcel, located on the south side of Roanoke Boulevard across from the Salem Civic Center. The property is approximately .34 acres and is occupied by a single family residence. The applicants state they would like to construct a garage addition on the right side of the house. The addition will be approximately 28 feet by 40 feet (1,120 sq.ft. total) with an upstairs apartment of 16 feet by 40 feet (640 sq.ft.). The garage will be attached to the house by a breezeway structure with utilities tied to the main residence. The applicants have stated that the intended use of the property is for the owners' adult daughter, and that in the event she moves out then the property will not be rented or leased. This is not stated as a voluntary proffer.

Daryl Beckner, property owner, appeared before the Commission explaining the Special Exception Permit request. He noted that they would like to build a garage addition with an apartment above for their adult daughter. The garage addition will be 28' by 40' and will be attached to the existing house by a breezeway with an upstairs apartment, which will be 16' by 40' and accessed by a stairway inside the garage. He noted that he had copies of the drawings to show what they would like to do if the Commission has not seen them.

Chair Daulton asked if he was aware of the condition that only a family member would be able to reside in the apartment so they will not be allowed to rent it should the daughter move out. Mr. Beckner noted that they were aware of this restriction.

Chair Daulton also noted that the proposed addition will be no larger than 28' by 40' (1,120 sq. ft.) and the upstairs apartment will be no larger than 640 square foot. Mr. Beckner noted that he was in agreement with her.

Commissioner King noted she wanted to thank Mrs. Beckner for showing her around when she stopped by the property.

Commissioner Beamer asked Mr. Beckner when they proposed getting started on the addition, and Mr. Beckner noted as soon as City Council approves the request. Mr. Beckner noted that they will have to do a new plat in order to build the addition. Mr. VanAllman stated that the internal lot lines will have to be vacated before construction.

Chair Daulton asked if there was anyone else in attendance who would like to speak on this request, and there was no response.

Jackson Beamer motioned to recommend approval of the request of Beckner Living Trust, property owner, and Daryl and Marlene Beckner, Trustees, for the issuance of a Special Exception Permit to allow an accessory apartment in a proposed attached garage addition on the property located at 844 Roanoke Boulevard (Tax Map # 158-5-5) be approved with the following condition: the proposed addition will be built in substantial conformance to the presented design. Denise King seconded the motion.

Ayes: Beamer, Carter, Daulton, Garst, King

#### **C. Amendment to the Zoning Ordinance**

Hold public hearing to consider the request of Jasbir S. Mavi, property owner, for rezoning the property located at 1656 Woodhill Lane (Tax Map # 239-1-8) from AG Agricultural District to RSF Residential Single Family District.

The Executive Secretary Pro Tem reported that notice of such hearing had been published in the April 27 and May 4, 2017, issues of the Salem Times Register and adjoining property owners were notified by letter mailed April 24, 2017.

Staff noted the following regarding the request: the subject property consists of one parcel, located at the end of Woodhill Lane, a private road, and abutting the municipal boundary. The property is approximately 1.7 acres and is occupied by a single family residence. The applicant is requesting to rezone this lot to Single Family District so that a lot line adjustment can be made with a property behind it located on Gratton Street. Woodhill Lane is a private road. The city does not allow subdivision of land on private roads, however, this request will not result in any additional lots or houses on Woodhill Lane.

Alan Clemons of Parker Design Group, representing the property owner, appeared before the Commission explaining the rezoning request. He noted his firm is handling the survey for the property owner. He noted if the Commission had any questions he would be glad to answer those.

Commissioner King asked why the property owner was not present at the meeting. Mr. Clemons noted that the property owner lives in Florida.

Chair Daulton noted the Commission understands that the property will be reconfigured from vertical to horizontal. Mr. Clemons asked if they had a copy of the plat. He noted that this was correct and just to point out the lot is nonforming as far as the AG zoning because it needs to be ten acres. The two property owners are basically just doing a land swap to make both lots better. Chair Daulton noted the property owners are aware that Woodshill Lane is a private road and that no additional lots could be developed. Mr. Clemons noted that this is correct.

Chair Daulton asked if there was anyone else in attendance who would like to speak on this request, and there was no response.

Reid Garst motioned to recommend to the Council of the City of Salem that the request of Jasbir S. Mavi, property owner, for rezoning the property located at 1656 Woodshill Lane (Tax Map # 239-1-8) from AG Agricultural District to RSF Residential Single Family District be approved. Jackson Beamer seconded the motion.

Ayes: Beamer, Carter, Daulton, Garst, King

The meeting was adjourned at 8:37 p.m.

Work Session, Wednesday, May 10, 2017, 6:00 p.m., Council Chambers Conference Room