

Planning Commission Meeting MINUTES

Wednesday, June 14, 2017, 7:00 PM

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

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 James E. Taliaferro, Assistant City Manager and Executive Secretary, William L. Simpson, City Engineer; Benjamin W. Tripp, City Planner; Mary Ellen Wines, Zoning Administrator; and William C. Maxwell, Assistant City Attorney.

2. Consent Agenda

A. Minutes of Work Session

Consider approval of the minutes from the May 10, 2017, work session.

Jackson Beamer motioned to approve the minutes of the May 10, 2017, work session. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

B. Minutes of Regular Meeting

Consider approval of the minutes from the May 10, 2017, regular meeting.

Commissioner King noted that she had two corrections to the regular meeting minutes. First, the Commission had appointed an Executive Secretary Pro Tem, Ben Tripp, which was not included and on the Special Exception Permit request of Laura and Robert Owen and Mount Regis Center, lessee, she made the motion and it was seconded by Jackson Beamer. The second was not recorded in the minutes. Denise King motioned to approve the regular meeting minutes of May 10, 2017, as amended. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

3. New Business

A. Amendment to the City Code

Hold public hearing to consider amending Chapter 106 Zoning, Article II District Regulations, Section 106-218(B)(5) Light Manufacturing District, Commercial Uses and Section 106-220(B)(5) Heavy Manufacturing District, Commercial Uses, and Article III Use and Design Standards, Section 106-310.19 Commercial Uses, pertaining to microbreweries.

The Executive Secretary reported that notice of such hearing had been published in the June 1 and 8, 2017, issues of the Salem Times Register.

Staff noted the following regarding the request: the zoning ordinance distinguishes between “Brewery” and “Microbrewery” by where the beer that is produced is primarily consumed, with the difference being that beer from a brewery is primarily for distribution, whereas with a microbrewery it is mostly sold or consumed onsite. As the craft beer industry has grown the city has received interest from several companies who would like to operate such an establishment in an industrial area, but who would be classified under city code as microbreweries. This item will add the Microbrewery use to the Light Manufacturing and Heavy Manufacturing zoning districts by Special Exception Permit in order to allow these requests to be considered in the future.

Mr. Tripp noted that the zoning ordinance amendments presented this evening will add the "microbrewery" use to the LM Light Manufacturing and HM Heavy Manufacturing districts so that these may be considered in the future by Special Exception permit by the Commission and City Council.

Chair Daulton noted that this is a public hearing and asked if anyone was present who would like to speak regarding this matter. There was no response from the audience.

Reid Garst motioned to recommend to the Council of the City of Salem that Chapter 106 Zoning, Article II District Regulations, Section 106-218(B)(5) Light Manufacturing District, Commercial Uses and Section 106-220(B)(5) Heavy Manufacturing District, Commercial Uses, and Article III Use and Design Standards, Section 106-310.19 Commercial Uses, pertaining to microbreweries be amended as presented. Jackson Beamer seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

B. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Joseph M. Sullivan, property owner, for rezoning the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7 and 137-5-6) from HBD Highway Business District to RSF Residential Single Family.

The Executive Secretary noted that Items B & C are very similar and pertain to the same property. He asked the Commissioners if they would like him to read them together. Chair Daulton asked if they would need to vote on each item separately, and Mr. Maxwell noted that they could be read together and have the hearing together but there should be a separate motion for each item.

The Executive Secretary reported that notice of such hearings had been published in the June 1 and June 8, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed May 31, 2017.

Staff noted the following regarding the rezoning request: the subject property consists of two parcels on the west side of Fort Lewis Boulevard, north of the intersection with West Main Street. The southernmost property, 124 Fort Lewis Boulevard (137-5- 7) is approximately 0.4 acres, and is occupied by a single family residence and an associated garage. The other property (137-5-6) is approximately 0.5 acres and is currently vacant. The owner wishes to rezone the property to RSF Residential Single Family in order to make the residential use conforming, and to allow for the construction of a 1,200 square foot garage behind the existing garage on 137-5-7. In addition, accessory structures larger than 1,000 square feet require a Special Exception Permit. Item C is the request for the issuance of this permit.

Staff also noted the following regarding the Special Exception Permit request: the subject property consists of a single parcel located on the west side of Fort Lewis Boulevard, north of the intersection with West Main Street. It is approximately 0.4 acres, and is occupied by a single family residence and an associated garage. The owner wishes to construct a 1,200 square foot garage behind the existing garage. Accessory structures larger than 1,000 square feet require a Special Exception Permit.

Joseph Sullivan of 2824 West Club Drive, property owner, appeared before the Commission explaining the rezoning and Special Exception Permit requests.

Commissioner King asked if this would be rental property. Mr. Sullivan noted that he would be moving into this residence. He noted the property on West Club Drive is a family estate that will be going on the market soon.

Chair Daulton noted that there is already a garage on the property. She asked if he had quite a few cars which need to be garaged. Mr. Sullivan noted that he has nine motor vehicles and one trailer to haul motor vehicles, seven of which are antiques. It

was noted that this is a hobby or a collection of cars. Chair Daulton asked if this would be a three or four stall garage. Mr. Sullivan noted that he is actually just planning one door for access. The size is just to allow storage and also an area to do repairs and restorations. Mrs. Daulton asked if the restoration is just for personal use and not a business? Mr. Sullivan noted that this was correct.

Chair Daulton noted that this is a public hearing and she asked if anyone would like to speak regarding this request. There was no response and the public hearing was closed.

Denise King motioned to recommend to the Council of the City of Salem that the request of Joseph M. Sullivan, property owner, for rezoning the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7 and 137-5-6) from HBD Highway Business District to RSF Residential Single Family be approved. Jackson Beamer seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

C. Special Exception Permit

Hold public hearing to consider the request of Joseph M. Sullivan, property owner, for the issuance of a Special Exception Permit to allow a new 1200 sq ft accessory building on the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7).

Reid Garst motioned to recommend to the Council of the City of Salem that the request of Joseph M. Sullivan, property owner, for the issuance of a Special Exception Permit to allow a new 1,200 square foot accessory building on the property located at 124 Fort Lewis Boulevard (Tax Map # 137-5-7) be approved subject to the approval of the rezoning request. Jackson Beamer seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

D. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Lance B. & Debra M. Duncan, Tarpley Graham, LLC, Justin I. & Andrea N. Boles, Darrell R. & Kirsten K. Printz, Kendall S. & Renae A. Keffer, BGGT, LLC, Daniel I. & Helene M. Shain, David B. & Carolyn F. Bullington, Bradley M. & Elizabeth T. Graham, property owners, for rezoning 13 parcels located at 693, 700, 701, 705, 709, 713, 717, 721, 725, 729 and 733 Ambler Lane (Tax Map #s 271-1-1.1, 271-1-1.2, 271-1-1.3, 271-

1-1.4, 271-1-1.5, 271-1-1.6, 271-1-2.1, 271-1-2.2, 271-1-2.3, 271-1-2.4, 271-1-2.5, 271-1-3, 271-1-1, and 290-1-1) from PUD Planned Unit District with conditions to PUD Planned Unit District with amended conditions.

The Executive Secretary reported that notice of such hearings had been published in the June 1 and June 8, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed May 31, 2017.

Staff noted the following regarding the request: the subject property consists of 13 parcels in the Heritage Downs Planned Unit Development located along Ambler Lane, a private road, west of the intersection with Franklin Street. The owner is requesting to increase the maximum number of residential lots from 19 to 20, and to decrease the minimum lot size to 0.55 acres in order to better fit the houses on the lots. The owner has also voluntarily proffered to dedicate additional right-of-way for Franklin Street for road widening or the construction of a future walking path or greenway. This PUD is governed by a master plan and various conditions. All of those conditions will remain in place, with the only ones being modified by this request being the maximum number of lots and the minimum lot size. Any development will have to be in substantial conformance with the approved master plan.

Brad Graham of Tarpley Graham, LLC, property owner and developer, appeared before the Commission explaining the proposed rezoning request.

Commissioner King noted that the Commission is being asked to amend the conditions to allow a maximum of 20 lots with a minimum lot size of 0.55 acres. Mr. Graham noted that the minimum lot size should be 0.75 acres per lot. Mr. Graham noted that it must be a typo. Mrs. King noted that the minimum is 0.75, is that correct? Mr. Graham noted that this is correct.

Mr. Tripp stated in the letter from Balzer & Associates it states 0.55 acres. He asked should it be 0.55 or 0.75. Mr. Graham noted that it should be 0.75 acres. Mr. Tripp noted that it is also on the master plan. Mr. Graham noted that this is also incorrect.

Commissioner Garst noted that he was looking at the master plan and some of them are smaller than the 0.75 acres. Lots 14 and 15 are 0.58 acres and do not meet the criteria. Mr. Graham noted that was not his intention.

Chair Daulton asked if he would feel more comfortable tabling the request until the next meeting so he could get this corrected. Mr. Graham noted that he was not sure. There was further discussion regarding the lot sizes. Mr. Graham stated it was never his intention to go under the 0.75 acres and he is not sure if this is a miscommunication between his company and Balzer.

Mr. Tripp asked if he would like to ask for 0.55 acres or would he prefer to continue the request for now. Mr. Graham asked if there is a way we can get through the meeting by saying they are just asking for one additional lot. Mr. Graham noted that the difference should come from the lots and not from the open space.

There was additional discussion regarding the number of lots, lot sizes and the amount of open space. Mr. Graham asked if we could approve the additional lot but not change the 0.75 acre minimum or the amount of open space. Then it would be up to them to go back to Balzer & Associates to get them to correct the map and submit it to the Engineering Department for them to confirm that it meets the requirements.

Chair Daulton asked would this be in conformance, if it were handled in this manner. Mr. Maxwell noted that one question is whether we have consistently advertised it and typically the rule is if we are going to a less intensive use in zoning matters then it is covered within the more intensive use in the advertisement. So if we are proposing to go from 0.55 acres to 0.75 acres then it would be a less intensive use, but it is a little troublesome when we have an application for one thing and then we are coming up with something else here at the meeting. He noted that he thought the item needs to be tabled and continued to the next meeting.

The Executive Secretary asked if the Commission would motion to continue the public hearing to the July meeting, and it was noted that this would be acceptable.

Jackson Beamer motioned to continue the request of Lance B. & Debra M. Duncan, Tarpley Graham, LLC, Justin I. & Andrea N. Boles, Darrell R. & Kirsten K. Printz, Kendall S. & Renae A. Keffer, BGGT, LLC, Daniel I. & Helene M. Shain, David B. & Carolyn F. Bullington, Bradley M. & Elizabeth T. Graham, property owners, for rezoning 13 parcels located at 693, 700, 701, 705, 709, 713, 717, 721, 725, 729 and 733 Ambler Lane (Tax Map #s 271-1-1.1, 271-1-1.2, 271-1-1.3, 271-1-1.4, 271-1-1.5, 271-1-1.6, 271-1-2.1, 271-1-2.2, 271-1-2.3, 271-1-2.4, 271-1-2.5, 271-1-3, 271-1-1, and 290-1-1) from PUD Planned Unit District with conditions to PUD Planned Unit District with amended conditions to the July 2017 meeting of the Planning Commission. Denise King seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

4. Adjournment

The meeting was adjourned at 7:27 p.m.