

Planning Commission Meeting

MINUTES

Wednesday, July 12, 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 p.m., 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, Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, City Planner; and William C. Maxwell, Assistant City Attorney.

2. Consent Agenda

A. Minutes of Work Session

Consider approval of the minutes from the June 14, 2017, work session.

Approved

B. Minutes of Regular Meeting

Consider approval of the minutes from the June 14, 2017, regular meeting.

Approved

3. Old Business

A. 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. (Continued from June 14, 2017, meeting)

Staff noted the following regarding the request: the subject property consists of

thirteen parcels of land 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. As a result, the amount of open space will decrease from 13.54 acres to 12.72 acres (0.82 acres) in order to accommodate the additional lot while keeping all lots at a 0.75 acre size. However, 0.60 acres of the 0.82 decrease in open space is covered by a "grazing easement" effectively requiring that area to remain undeveloped. This area is 0.22 acres. The new 12.72 acres of open space is still above the 12 acres required as a condition on the Master Plan. 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.

Chair Daulton opened the public hearing and asked if there was anyone to speak.

Brad Graham of Tarpley Graham, LLC, property owner and developer, appeared before the Commission explaining the proposed rezoning request. He noted that he wanted to apologize for the issue with the request at the last meeting. He made an assumption that we were just rezoning a big chunk of raw land so he was not worried about the lot sizes, and the Commission picked up on something that he had not which was a reduction in the lot sizes. He stated that there was a question regarding platting all the remaining lots. He discussed the background information and why they did not originally want to plat all the lots for the subdivision at the same time. As they started selling houses, they wanted the flexibility to make some lots larger if someone wanted a larger lot so they wanted to be able to subdivide them as they went along. They have now had the benefit of the knowledge of the market over the last couple of years. They have learned more about what people want, and they are now ready to plat the remaining lots. With the plan submitted, they should not need to come back to the Commission. Commissioner King asked if they anticipate recording the plat relatively soon after the City Council meeting, and Mr. Graham noted yes.

Chair Daulton noted her question is somewhat related. If someone wants to have more acreage than the 3/4 lot, then will they be required to purchase two lots? Mr. Graham noted there is a bit of math involved to maintain the proffered open space minimums so he is not sure. There was further discussion regarding lot sizes, etc.

Commission Member King asked if there were restrictions that allow them to sell two lots and place the house in the middle of the two lots. Mr. Graham noted that they did not have a restriction regarding this. In this case, they would need to submit a plat to the City and ask to vacate a lot line, which would mean they would effectively lose a lot. Mr. Van Allman noted that this would still have to come back to the Commission to vacate a lot line. Even though they would be reducing the density, this would be a change that the Commission would like to review.

Mr. Tripp noted that as Mr. Graham has noted that he does not wish to come back to the Commission he would also need to request a subdivision of these lots as part of this request this evening. He asked Mr. Graham if this was correct, and Mr. Graham noted it was.

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

Denise King motioned to approve the subdivision plat as presented in recordable form, and further, the Executive Secretary and City Engineer are hereby authorized to endorse such final approval on said final plat in accordance with The Code of the City of Salem, Virginia. Jackson Beamer seconded the motion.

Ayes: Beamer, Garst, King, Daulton

Absent: Carter

Mr. Van Allman noted there may be some delay in recording the plat because the PUD would still need to be approved by Council before staff can approve the subdivision for recordation. He added that once it is done, we cannot take it back. Mr. Maxwell noted this is an excellent point, however, he believes that the Commission needs to amend the motion to make the approval subject to City Council's approval of the PUD plan.

Denise King amended the motion to approve the subdivision plat as presented in recordable form subject to approval of the rezoning by City Council, further, the Executive Secretary and City Engineer are hereby authorized to endorse such final approval on said final plat in accordance with The Code of the City of Salem, Virginia. Jackson Beamer seconded the motion.

Ayes: Beamer, Garst, King, Daulton

Absent: Carter

Denise King motioned to recommend to the Council of the City of Salem that 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 be approved. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of ARD Properties LLC, property owner, for rezoning the property located at 905 Indiana Street, (Tax Map # 186-9-6) from HBD Highway Business District to RSF Residential Single Family District.

The Executive Secretary noted that Items 4A & 4B are related and pertain to the same property. The Commission could have one public hearing for those two items if they choose to handle it this way. It would still require two votes. Chair Daulton noted that the Commission is in agreement to handling as one public hearing.

The Executive Secretary reported that notice of such hearings had been published in the June 29 and July 6, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed June 28, 2017.

Staff noted the following regarding the rezoning request: the subject property consists of one parcel on the west side of Indiana Street, near the southwest corner of the intersection with 7th Street, north of the former Valleydale manufacturing plant. The property is approximately 0.26 acres and is occupied by a single family residence. The owner wishes to rezone the property to RSF Residential Single Family in order to make it eligible for a Special Exception Permit for a two family dwelling. The existing house was used as three residences (a triplex) at some point in the past. However, this use was discontinued for a period of more than two years and has thus lost any grandfathered status. This application is item 4B.

Staff noted the following regarding the Special Exception Permit request: the subject property consists of one parcel on the west side of Indiana Street, near the southwest corner of the intersection with 7th Street, north of the former Valleydale manufacturing plant. The property is approximately 0.26 acres, and is occupied by a single family residence. This request is associated with item 4A. The owner is requesting a Special Exception Permit to allow the existing house to be converted to a two family dwelling.

Chair Daulton opened the public hearing and asked if there was anyone to speak.

John D'Alessandro of 3734 Verona Trail, Roanoke, property owner, appeared before the Commission explaining the rezoning and Special Exception Permit requests. He noted that his company currently owns about 50 units in Roanoke, Salem, and Vinton. They purchased this property thinking it could be used as a

triplex because in the past it had been used as a triplex. After speaking with Mr. Tripp, they found out they could only make it a duplex so this is what he is requesting this evening.

Commissioner King asked if he would be changing the footprint of the structure, and Mr. D'Alessandro noted that he would not. Mrs. King asked if he would be doing the renovations, and he answered that this was correct.

Commissioner Beamer asked if he would be making improvements to the property and Mr. D'Alessandro noted that he would be. He further noted that he had some pictures of some of the properties he has done and he presented those to the Commission.

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

Reid Garst motioned to recommend to the Council of the City of Salem that the request of ARD Properties LLC, property owner, for rezoning the property located at 905 Indiana Street, (Tax Map # 186-9-6) from HBD Highway Business District to RSF Residential Single Family District be approved. Jackson Beamer seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

B. Special Exception Permit

Hold public hearing to consider the request of ARD Properties LLC, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 905 Indiana Street (Tax Map #186-9-6).

Denise King motioned to recommend to the Council of the City of Salem that the request of ARD Properties LLC, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 905 Indiana Street (Tax Map #186-9-6) be approved subject to the approval of the rezoning request by City Council. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

C. Special Exception Permit

Hold public hearing to consider the request of Strauss Properties LLC and The

Branch Family LLC, property owners, and Ober Brewing LLC, lessee, for the issuance of a Special Exception Permit to allow a microbrewery on the property located at 1443 Lakeside Circle, Tax Map # 51-3-4.

The Executive Secretary reported that notice of such hearings had been published in the June 29 and July 6, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed June 28, 2017.

Staff noted the following regarding the Special Exception Permit request: the subject property consists of a single parcel located at the northeast corner of the intersection of Branch Drive and Lakeside Circle, near the intersection of Branch Drive and Kesler Mill Road. The property is approximately 2.25 acres, and is occupied by a Multi-Tenant Manufacturing Building. This request is to allow a microbrewery in the multi-tenant building. The applicant states that this location will allow for a tasting room and future expansion, including potential growth into a “distributing” brewery which is an allowed use in LM. ISSUES: This property is located partially within the 100 and 500 year floodplains.

Chair Daulton opened the public hearing and asked if there was anyone to speak.

David Ober of Ober Brewing LLC, 2221 Lick Ridge Road, Check, appeared before the Commission, and he noted they have leased this property for their brewery. He explained the Special Exception Permit request. He noted that Ober Brewing is family owned business and they hope to continue to be a family owned business for a long time. They hope this to be a family gathering place, and breweries are well known for family friendly oriented gatherings of people. He noted that he had just came by Parkway Brewing and it was packed on a Wednesday night. They are a small scale brewer, about one-tenth the size of Parkway. They plan on small batching their beer, which will allow them to do a lot of different kinds of beer, and have more on tap than most places would be able to have on tap. They are planning to have a stage for music, also. He also introduced his wife, Jennifer, and noted they cannot wait to be a part of the City of Salem.

Commissioner King asked what would be their anticipated hours of operation. He noted they both have full time jobs and they will need to have a day off. Thursdays will be from 4 to 9 p.m., Fridays from 4 to 9 p.m., Saturdays from probably 2 to 10 p.m., and they have not decided about Sundays. If they do, it would be from 2 to 6 p.m., probably. Mrs. King asked if any of the businesses around them are open late in the afternoons on Saturdays. Mr. Ober noted that they are not. Typically there is no one there after 4:30 p.m. any day.

Commissioner King noted that it has become quite the thing for breweries to have outdoor seating, and she asked how they would handle that. Mr. Ober noted there is

a small area out back on the loading dock, which they are hoping to be able to use for outdoor seating. This is the best they will be able to do for now. But what they will be able to have are outside private events and take over the parking lot. This will hopefully allow them to do multiple outside events throughout the year.

Commissioner King asked what is the capacity inside? Mr. Ober noted that it is 149 people. It is a 3,800 square foot space.

There was further discussion regarding the Special Exception Permit request.

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

Jackson Beamer motioned to recommend to the Council of the City of Salem that the request of Strauss Properties LLC and The Branch Family LLC, property owners, and Ober Brewing LLC, lessee, for the issuance of a Special Exception Permit to allow a microbrewery on the property located at 1443 Lakeside Circle, (Tax Map # 51-3-4) be approved. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

D. Amendment to the City Code

Hold public hearing to consider amending Chapter 106, Article II District Regulations, Section 106-210(B)(5) Downtown business district, Commercial Use Types, Article III Use and Design Standards, Section 106-310.23 Commercial uses, pertaining to Dance Halls; Article II District Regulations, Section 106-212(A)(5) Transitional business district, Commercial Use Types, pertaining to Microbreweries and Microdistilleries; Sections 106-214(A)(5) and 106-214.2(B)(5) Highway business district, Commercial Use Types, 106-218.2(A)(5) and 106-218.2(B)(5), Light manufacturing district, Commercial Use Types, 106-220.2(A)(5) and 106-220.2(B)(5), Heavy manufacturing district, Commercial Use Types, pertaining to Personal Storage; Section 106-214.2(B)(5) and Article IV, Definitions and Use Types, Section 106-602.9, Commercial use types pertaining to Massage Parlors; Article IV, Development Standards, Section 106-402.1(B) Buffer yards, screening and landscaping, general requirements and Section 106-402.29 pertaining to the approved planting list.

The Executive Secretary reported that notice of such hearing had been published in the June 29, and July 6, 2017, issues of the Salem Times Register.

Staff noted the following regarding the request: staff continually reviews the zoning

ordinance for its current applicability. Topics of discussion arise due to factors including state code changes, industry changes, and evolution of use types that result in obsolete classifications and definitions. Some of the proposed changes address these topics. In addition, as we progress with the Downtown Plan and the redevelopment of the downtown area, adjustments are necessary to encourage the type of development the community has requested. Also included are minor housekeeping changes. The summary of proposed changes are as follows:

ARTICLE II DISTRICT REGULATIONS

SECTION 106-210 Downtown Business District: Sec. 106-210.2. - Permitted uses. (B)(5) Commercial Use Types, Dance Hall*

SECTION 106-212 Transitional Business District: Sec. 106-212.1. – Statement of intent and 106-212.2. – Permitted uses. (A)(5) Commercial Use Types, Microbrewery* and Microdistillery*

SECTION 106-214 Highway Business District: Sec. 106-214.2. - Permitted uses. (A)(5) Commercial Use Types, Personal Storage* and (B)(5) Commercial Use Types, Massage Parlor, and Personal Storage*

SECTION 106-218 Light Manufacturing District: Sec. 106-218.2. - Permitted uses. (A)(5) and (B)(5) Commercial Use Types, Personal Storage*

SECTION 106-220 Heavy Manufacturing District: Sec. 106-214.2. - Permitted uses. (A)(5) and (B)(5) Commercial Use Types, Personal Storage*

ARTICLE III. - USE AND DESIGN STANDARDS

SECTION 106-310 Commercial Uses: Sec. 106-310.23. – Dance Hall.

ARTICLE IV DEVELOPMENT STANDARDS

SECTION 106-402 Buffer Yards, Screening and Landscaping: Sec. 106-402.1 – General Requirements. (B) Approved Planting List, Sec. 106-402.29. – Approved Planting List

ARTICLE VI DEFINITIONS AND USE TYPES

SECTION 106-602 Use Types: Sec. 106-602.9. - Commercial use types. Massage Parlor.

Ben Tripp, City Planner, appeared before the Commission explaining the proposed zoning ordinance amendments. He noted that the changes are basically housekeeping changes. As the Commission is aware, staff has been making a number of amendments to the ordinance. He noted that he would be glad to answer any questions.

Further, there was a discussion regarding the zoning ordinance amendments and the Comprehensive Plan update.

Jackson Beamer motioned to recommend to the Council of the City of Salem that Chapter 106, Article II District Regulations, Section 106-210(B)(5) Downtown business district, Commercial Use Types, Article III Use and Design Standards, Section 106-310.23 Commercial uses, pertaining to Dance Halls; Article II District Regulations, Section 106-212(A)(5) Transitional business district, Commercial Use Types, pertaining to Microbreweries and Microdistilleries; Sections 106-214(A)(5) and 106-214.2(B)(5) Highway business district, Commercial Use Types, 106-218.2(A)(5) and 106-218.2(B)(5), Light manufacturing district, Commercial Use Types, 106-220.2(A)(5) and 106-220.2(B)(5), Heavy manufacturing district, Commercial Use Types, pertaining to Personal Storage; Section 106-214.2(B)(5) and Article IV, Definitions and Use Types, Section 106-602.9, Commercial use types pertaining to Massage Parlors; and Article IV, Development Standards, Section 106-402.1(B) Buffer yards, screening and landscaping, general requirements and Section 106-402.29 pertaining to the approved planting list be amended as presented. Denise King seconded the motion.

Ayes: Beamer, Daulton, Garst, King

Absent: Carter

5. Adjournment

The meeting was adjourned at 7:32 p.m.

Work Session, Wednesday, July 12, 2017, 6:00 p.m., Council Chambers Conference Room