

# **Planning Commission Meeting**

## **MINUTES**

**Wednesday, September 13, 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 called to order at 7:00 p.m., there being present the following members to wit: Vicki G. Daulton, Denise P. King, Reid A. Garst II, and N. Jackson Beamer; with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, Assistant City Manager and Executive Secretary; Charles E. Van Allman, Jr., Director of Community Development; Mary Ellen Wines, Zoning Administrator; Benjamin W. Tripp, City Planner, and William C. Maxwell, Assistant City Attorney.

### **2. Consent Agenda**

#### **A. Minutes**

Consider approval of the minutes from the August 14, 2017, work session and regular meeting

Approved on consent

### **3. Old Business**

#### **A. Special Exception Permit**

Hold public hearing to consider the request of Mark W. Claytor, property owner, for the issuance of a Special Exception Permit to allow a Single Family Dwelling, Detached on the property located at 1403 S. Colorado Street, (Tax Map # 234-1-3).

The Executive Secretary reported that notice of such hearing had been published in the August 3 and 10, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed August 25, 2017.

Staff noted the following regarding the Special Exception Permit request: the subject property consists of a single parcel located at the southwest corner of the intersection of South Colorado Street and West Riverside Drive. The property is approximately 0.227 acres and is occupied by single family dwelling. This request is for a Special Exception Permit to allow the property to be used as a single family dwelling. The applicant purchased the property to use as a law office but has now retired and would like to continue to live in the structure.

Chair Daulton noted that this is a public hearing and asked if there was anyone present who would like to speak regarding this matter. She further noted that this item was continued from the August 16, 2017, meeting.

Mark Claytor, property owner, appeared before the Commission to further explain his request.

Chair Daulton noted that Mr. Claytor spoke extensively at the August 16, 2017, meeting and assumes that he has not changed his plans from the last meeting.

Mr. Claytor noted that his request is the same. He noted that he wrote a letter to Mr. Taliaferro some time ago explaining what he wanted to do. He purchased the property in late 1999; it had been a residence prior to his purchase, and he decided to make the residence into a law office. He did not want to change the character of the residence; therefore, he only painted, updated the wiring, installed central air, etc. to make it proper for a professional building. He noted that he did not change the full kitchen or the full bath; he did re-do the upstairs which had been basically an attic/closet area, by placing carpet in the area. Basically he has a small house and has been practicing law since late 1999, and from time to time he would spend the night there. When he was between houses at one time, he and his young son stayed there until he was able to move into a new residence on Meadowview. He noted that he is retiring and he would like very much to do two things: continue the use as a single-family dwelling, and also continue to utilize it as a part-time law office. He noted that he and his wife would primarily live in the residence, and his college-age son would also live there from time to time.

Chair Daulton noted that this is a public hearing, and 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 Mark W. Claytor, property owner, for the issuance of a Special Exception Permit to allow a Single Family Dwelling, Detached on the property located at 1403 S. Colorado Street, (Tax Map # 234-1-3) be approved. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

#### **4. New Business**

##### **A. Approval of Business Commerce District Proposal**

Hold public hearing to consider the request of Backbone Investments LLC, property owner, and Blue Ridge Health and Wellness, LLC, contract purchaser, for

the consideration of a Business Commerce District proposal for a medical office on the property located at 100 Knotbreak Road (Tax Map # 148-1-4.2).

The Executive Secretary reported that notice of such hearing had been published in the August 31, and September 7, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed August 25, 2017.

Staff noted the following regarding the Business Commerce District proposal request: the subject property consists of a single parcel located at the northwest corner of the intersection of Knotbreak Road and Texas Street, directly across from the Salem Civic Center. The property is approximately 1.437 acres, and is currently undeveloped.

**Procedure:**

There are two parts to this request as outlined in Sec. 106-216.3 and Sec. 106-216.1, respectively:

1. Specific Site Development Regulations for this parcel must be established, and
2. The specific BCD proposal must be reviewed.

The applicant is proposing both Site Development Regulations and a specific proposal for this site. These two issues are explained separately below.

**Establishment of Site Development Regulations:**

Section 106-216.3 Site Development Regulations states that “Business Commerce District (BCD) site development regulations and requirements pertaining to minimum lot sizes, minimum lot frontages, minimum open space requirements, minimum setbacks, maximum lot coverages and maximum building heights **shall be established by the council after review and recommendation of the planning commission.**” Since none of these requirements have been determined, this portion of the request will set them for this development, similar to the review of a master plan.

The following Site Development Regulations and requirements have been proposed by the applicant:

1. Maximum Building Height: 3 ½ stories
2. Maximum Lot Coverage: 80%
3. Maximum Building Coverage: 30%
4. Minimum Front Building Setback: 15 feet
5. Minimum Side Building Setback: 8 feet
6. Minimum Rear Building Setback: 15 feet

All other development regulations will be in accordance with the City of Salem Zoning Ordinance.

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**Review of BCD Proposal for a Medical Office:**

In accordance with Sec. 106-216.1 of the Zoning Ordinance of the City of Salem the Planning Commission and Council “must review all BCD proposals as an amendment to the zoning map pursuant to section 106-520”. This portion of the request will consider the specific proposal that the applicant has presented, including the use, layout, design of buildings, arrangement of parking areas, and similar items, some of which are governed by deed restrictions listed in the Issues section of this report. The items listed below are specific to the proposal, but fall within the proposed site development regulations and requirements:

1. Use: Medical Office
2. Proposed Building Height: 2 stories
3. Proposed Lot Coverage: 73%
4. Proposed Building Coverage: 12%

**ISSUES:**

This property is subject to the following Deed Restrictions:

- A. The Grantee shall construct a public road, in accordance with the standards of the Virginia Department of Transportation, as indicated in the Plan, and all other subdivision physical improvements shall be completed within eighteen months.
- B. All buildings constructed on the Premises shall not be more than 3 ½ stories.
- C. All principal buildings shall be constructed with red brick.
- D. All buildings shall have a slope roof.
- E. All buildings shall have slate or asphalt roof shingles or the equivalent thereof.
- F. There may (be) no more than ten buildings constructed on Tracts I and II.
- G. No principal building shall contain less than 3,000 square feet.

Chair Daulton noted that this is a public hearing and asked if there was anyone present who would like to speak regarding this matter.

Sean Horne of Balzer and Associates, appeared before the Commission on behalf of the property owner and contract purchaser, to explain the request. He noted that Craig Balzer, Architect/Owner, was also present to answer any questions. He noted that Blue Ridge Health and Wellness, LLC, is made up of Blue Ridge Pain Management and University Physical Therapy and are the two businesses that will occupy the space and will generate between 15-25 jobs within the building, some of which will rotate in and out to other businesses. He noted that the projected investment in the property is between \$2.5 and \$3 million including the construction and purchase of the land. He noted that his company is excited to be before the Commission and that Balzer designed the original development and hopes the city is excited to see something happen out there as well. The proposed layout and building are in compliance with the original deed exceptions put in place originally.

Commissioner King noted that as you look west on the parcel, the property slopes extensively and asked if a retaining was planned to be placed where the parking ends.

Mr. Horne noted that has not been fully established as of yet and noted that they will work with the city to possibly obtain a grading easement over onto the adjacent property to grade onto that as well. He noted that there will either be a steeper slope or a four-foot wall there to hold that up. The building itself will be built into the hill; therefore, from the Knotbreak Road side, it will appear as a one-story building, and will appear as a two-story building from the other side. One tenant will be upstairs and one tenant will be downstairs so each tenant will have its own entrances on each side of the building.

Chair Daulton noted that this is a public hearing, and 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 recommend to the Council of the City of Salem that the request of Backbone Investments LLC, property owner, and Blue Ridge Health and Wellness, LLC, contract purchaser, for the consideration of a Business Commerce District proposal for a medical office on the property located at 100 Knotbreak Road (Tax Map # 148-1-4.2) be approved. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

## **B. Special Exception Permit**

Hold public hearing to consider the request of William E. Lee, property owner, and GreenGearHeads LLC, contract purchaser, for the issuance of a Special Exception Permit to allow scrap and salvage services on the property located at 844 Union Street. (Tax Map # 200-2-1).

The Executive Secretary reported that notice of such hearing had been published in the August 31, and September 7, 2017, issues of the Salem Times Register and adjacent property owners were notified by letter mailed August 25, 2017.

Staff noted the following regarding the request: the subject property consists of a single parcel located off Union Street, between the Norfolk Southern Main Lines and the Virginian Line. The property is visible from the entrance to the Moyer Sports Complex, behind Oak Hall Cap and Gown. It is approximately 1.392 acres, and is occupied by a 24,000 square foot industrial building. This request is for a Special Exception Permit to allow Scrap and Salvage Services. The applicant would like to move his business from the existing location at 1115 Indiana Street to

this new location in order to expand. The zoning ordinance defines Scrap and Salvage Services as: “places of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.”

The business accepts scrap materials for recycling in bulk quantities. The applicant has also discussed recycling rail locomotives but is not planning to do that at this time. If granted, the recycling of large vehicles such as train engines, automobiles, tires, and similar items and equipment would be allowed.

ISSUES: the entire property is located within the 100 year floodplain, and part of it is located within the floodway.

Chair Daulton noted that this is a public hearing and asked if there was anyone present who would like to speak regarding this matter.

Jay Brenner, resident in Moneta, VA, contract purchaser of 844 Union Street, appeared before the Commission to explain his request.

Commissioner King asked how he proposed to access the property for a scrap and salvage business. She asked if large tractor-trailer trucks would access the property.

Mr. Brenner noted that big tractor-trailer trucks would access the property to remove out-bound loads. In-bound materials would typically come in on roll-off. He noted that there would be some in-bound tractor-trailers depending on the customer and materials to be recycled. He further noted that the focus is primarily on commercial and industrial material at this time. He feels there is not a need for scrap iron materials and recycling from residential sources at this time as there are plenty of businesses available. He noted that the focus will continue to be on paper, plastic, and new production scrap metal from businesses located in Roanoke City, Roanoke County, and Salem.

Commissioner King asked how he proposes to turn the trucks around on the property. She noted that having been on-site, she had a degree of difficulty turning her small Prius around and is concerned with how large trucks and tractor-trailers will be able to enter and exit the property.

Mr. Brenner noted that he plans to use the front of the building for in-bound material, and for the processing equipment. The back of the building, once the area has been cleaned out, he feels there is enough room for the tractor-trailers to pull forward and back into the back docks for out-bound materials.

Chair Daulton asked for a sample of the commercial/industrial products that will be salvaged.

Mr. Brenner noted that the main, basic commodities are called release paper (i.e. the back of the sticker that comes from Yokohama when a sticker is placed on a tire), which is the type of material the majority of his customers generate. There is also plastic stretch film that comes from the distribution centers, which are either big sheets or small pieces where pallets and in-bound material come to the customer, and they pull that off the pallet and throw it into their compactors. He noted that he plans to process mainly single-stream recycling from paper and plastics.

Chair Daulton asked if he planned to salvage any type of vehicle or automotive type materials.

Mr. Brenner noted that he does not plan to salvage that type of material as there are plenty of other businesses in the Roanoke Valley and surrounding areas salvaging that type of material, and it would be too expensive to purchase the type of equipment necessary to salvage that type of material.

Commissioner Garst asked Mr. Brenner to compare the proposed business to his current business--differences and similarities.

Mr. Brenner noted that the proposed business is basically the same as his current business except that when he first started the business, it did not take any metal at all, but the opportunity arose to accept metals. The need to relocate his business is due to the need to be able to unload multiple tractor-trailer loads of in-bound materials. Customers, either from the cosmetic industry or the people who make metal cans in the Hollins area, have to do a clean-out and it typically is not one or two tractor trailers, it's 15-20 tractor trailers. There is not enough room at his current location to be able to take that material and store it inside as required. Also there are unfinished goods/materials that need to be processed, but there was not have enough volume to buy the equipment to make it feasible. Now there is enough steady volume and the price of the equipment has decreased in the last five years, where it is economical to purchase the equipment necessary to process the materials. He estimated at approximately \$400,000 will be spent on equipment to be placed in the building to allow the materials to be sorted as it comes in instead of only being able to sort through part of it and store the remaining material until it can be sorted.

Chair Daulton asked how long he projects it to take for the material to leave the facility after it comes in and is processed.

Mr. Brenner noted that the goal is to be able to turn the inventory once a week.

Chair Daulton noted that there are concerns about the materials located outside at his present location and asked how he intends to handle it at the new location.

Mr. Brenner noted that with the new machinery, the materials will be able to be processed at least four-times faster than the equipment located at his current business. The new equipment is automated instead of having to pick each individual piece by hand--it uses vision systems where it looks at the "u" and the color of the material and is sorted by material type. He noted that he currently has four people sorting the material by hand and they cannot keep up.

Commissioner King asked about the equipment and what happens to the materials once they are sorted.

Mr. Brenner noted that once the material is sorted, it goes into an existing bailer until there is 44,000 pounds, the majority of the material will go within two hours of the business. The cardboard goes to Lynchburg, the mixed paper currently goes overseas to China--40-foot overseas shipping containers come in and are stuffed with 50,000 pounds of material, and then shipped off to Norfolk.

Commissioner Garst asked if the same type of business proposed is the same type of business Mr. Brenner currently operates.

Mr. Brenner noted that he does plan to do the same type of business he currently operates.

Commissioner Garst asked if the existing location is zoned differently or has a special exception permit.

The Zoning Administrator noted that the existing property does not have a special exception permit. She further noted that Mr. Brenner's business was originally located off of Kesler Mill Road, it was basically a few materials for recycling that were brought in, sorted, and shipped off. The magnitude and some of the extra materials that have been coming in since the business was relocated to its current location on Indiana Street, the business has increased and morphed into what is truly a scrap and salvage business.

Commissioner King asked what is done with the different types of liquids contained in the various plastic types.

Mr. Brenner noted that typically the liquid contained in the plastics is mainly rain water that comes in from our open top units where the materials are placed. He noted that it is a rare occasion to take in material that is contaminated. If contaminated materials are received, it is in the contract that it is the customer's



responsibility to dispose of it accordingly. He noted that most of his customers are working toward zero landfill.

Commissioner Beamer asked if the majority of the plastic taken into the facility has been used.

Mr. Brenner noted that the stretch films have been used to wrap pallets, certain plastics are used as mainly covering, and the metal received is defects and has not been used.

Commissioner Beamer noted that the entire Commission is concerned about storm water runoff.

Mr. Brenner noted that hazardous materials would not be accepted.

Chair Daulton clarified that the materials are compacted, not melted.

Mr. Brenner concurred. He noted that 1,400-pound bales are made of the material to be shipped out.

Commissioner King asked about the noise and odor associated with the business. The proposed located is directly across from a city park that is heavily used.

Mr. Brenner noted that he has not had a complaint about noise or odors from the neighbors.

Commissioner Garst asked if there have been any complaints from the neighbors.

Mr. Brenner noted that there have not been any complaints.

Commissioner Beamer asked if Mr. Brenner plans to purchase the property and to state the cost of the equipment to be purchased.

Mr. Brenner noted that he does plan to purchase the property as he would like a permanent location for his business, and that approximately \$400,000 worth of equipment will be purchased. He also noted that carpet will not be recycled as the cost of oil is too low, but that re-bond, which is the padding placed under the carpet, is still taken in, bailed, and shipped out.

Commissioner King asked if the special exception permit was approved, even though the proposed business mainly accepts plastic and paper material and does not currently accept metal, automobile parts, etc., would that type of scrap business be allowed.

The Assistant City Attorney noted that it would be allowed; however, the Commission could place conditions on the property that would restrict the use of the property.

A discussion was held regarding conditions the Commission and Council could place on the property.

Commissioner Garst noted that the application originally said the use was "indoor recycling center" but that had been crossed out and replaced with scrap and salvage services.

The City Planner noted that during review of the application and after a discussion with Mr. Brenner and City Officials, it was determined that the use proposed was a scrap and salvage service instead of a recycling center; and the application was corrected prior to acceptance by the city.

Commissioner Beamer asked if the four employees would be retained.

Mr. Brenner noted that he hoped to maintain four employees and felt that four employees would be adequate with the new equipment. Any additional employees would make it hard for the business to be profitable.

Commissioner King asked about the normal hours of operation.

Mr. Brenner noted that normal business hours are 7 am to 5 pm four days a week.

Chair Daulton asked what will be done with the material currently located on the property and if Mr. Brenner would salvage the material.

Mr. Brenner noted that he has volunteered to help clean up the site and suggested that the automobiles located on the property be taken by an automobile salvage business. He noted that the building materials located in the front of the building will be taken to another warehouse. The items in the back of the building were purchased from Goodwill and need to be junked and that is what is planned to his knowledge.

Chair Daulton noted that Moyer Sports Complex is used by teens from all over the country and she feels that the residents of Salem have always been proud of the image Salem presents. She has concerns that the building/property will end up looking like the property does on Indiana Street, and it is not something she wants visitors from all over the country looking at on their way to the Moyer Complex. She asked Mr. Brenner to keep the property clean and presentable if the special exception permit is approved.

Mr. Brenner noted that he is embarrassed by the way the property on Indiana Street currently looks. He is constantly trying to clean up, but he has become overwhelmed. He feels that the new building will give him the room necessary to store the materials inside and not have to store any material outside.

Commissioner Beamer asked the square footage of the current building.

Mr. Brenner noted that the current building is 7,000 to 8,000 square feet and the proposed building is 27,000 square feet. He further noted that once the equipment is purchased to process the material, the back-log of material as well as the new material coming in will be able to be processed.

Chair Daulton asked how long it would be before the equipment was purchased after he moved the business.

Mr. Brenner noted that it would be approximately three months.

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 recommend to the Council of the City of Salem that the request of William E. Lee, property owner, and GreenGearHeads LLC, contract purchaser, for the issuance of a Special Exception Permit to allow scrap and salvage services on the property located at 844 Union Street (Tax Map # 200-2-1) be denied. Reid Garst seconded the motion.

Ayes: Beamer, Daulton, Garst, King

## 5. Adjournment

The meeting was adjourned at 7:37 p.m.