

UNAPPROVED MINUTES
PLANNING COMMISSION

August 10, 2011

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on August 10, 2011, there being present the following members of said Commission, to wit: Terrance D. Murphy, Jimmy W. Robertson, Vicki G. Daulton, and Bruce N. Thomasson (Samuel R. Carter III - absent); with Terrance D. Murphy, Chairman, presiding; together with Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, due to the absence of the Executive Secretary, Judy L. Hough, is hereby appointed Executive Secretary Pro Tem for this meeting of the City of Salem Planning Commission – the roll call vote: all present - aye.

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the minutes of the regular meeting and work session held on June 15, 2011, were approved as written – the roll call vote: all present - aye.

In re: Request for preliminary and final approval of a proposed resubdivision plat filed by Gregory T. Harvey, property owner, for the property located at 1031 Kesler Mill Road (Tax Map #12-3-5)

The Executive Secretary Pro Tem reported the Commission had received a request for preliminary and final approval of a proposed resubdivision plat filed by Gregory T. Harvey, property owner, for the property located at 1031 Kesler Mill Road (Tax Map #12-3-5); and

WHEREAS, staff noted the following: the subject property consists of three parcels, located beyond the walking trail on the west side of Kesler Mill Road; the property is approximately .68 acres and is occupied by a single family residence; the property has approximately 200 feet of frontage along the Hanging Rock Battlefield Trail, located on the former Catawba Branch Railroad right of way, adjacent to Kesler Mill; if approved, this subdivision will create two lots, one approximately .3 acres and one approximately .37 acres;

the only issue related to the subdivision of this property is the fact that the property does not have frontage on a city street; before the construction of the Hanging Rock Trail, this property was separated from Kesler Mill Road by the Catawba Branch Railroad siding; Section 78-118 of the city's subdivision ordinance requires all lots in a subdivision to have frontage on a public street and further states that where existing streets make this regulation impractical, the Planning Commission may waive such regulation; should the Commission wish to approve the subdivision request, a waiver of Section 78-118 must be granted; approval of the subdivision is subject to City Council granting easements for ingress/egress to the new lots; **UPDATE** – prior to the June meeting, staff discovered that the existing house did not meet the front yard setback requirement; the Commission voted to continue the item to give the petitioner the opportunity to seek a variance from the Board of Zoning Appeals; the property owner appeared before the Board of Zoning Appeals on July 21st and was granted a variance of 6.3 feet for the front yard setback; and

WHEREAS, Gregory Harvey of 1829 Wildwood Road, property owner, appeared before the Commission explaining the request to subdivide the property; he noted that they are proposing taking three separate lots to two parcels; and

WHEREAS, there was a discussion regarding the ingress/egress into the property; and

WHEREAS, Ben Tripp noted that the approval of the subdivision request will be subject to City Council granting an easement(s) for ingress/egress to the new lots; it has been indicated to Mr. Harvey that the City prefers to have only one shared easement rather than two separate easements across the trail; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the request for preliminary and final approval of a proposed subdivision plat filed by Gregory T. Harvey, property owner, for the property located at 1031 Kesler Mill Road (Tax Map #12-3-5) is hereby approved with a waiver to Section 78-118 of the City of Salem Subdivision Ordinance and subject to the granting of driveway easement(s) 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 – the roll call vote: all present – aye.

In re: Request of Equity Enterprises, 1984 LLC, tenant, and Danny A. & Stephania Arnold, property owners, for the issuance of a Special Exception Permit to allow automobile repair services, major, on the property located at 1648 Lynchburg Turnpike (Tax Map #151-1-3.2).

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider the request of Equity Enterprises, 1984 LLC, tenant, and Danny A. & Stephania Arnold, property owners, for the issuance of a Special Exception Permit to allow automobile repair services, major, on the property located at 1648 Lynchburg Turnpike (Tax Map #151-1-3.2); and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the July 27, and August 3, 2011, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed July 29, 2011; and

WHEREAS, staff noted the following: the subject property consists of one parcel, located on the south side of Lynchburg Turnpike, just west of Hemlock Road; the property is approximately 2.4 acres and is currently occupied by a 6,640 square foot automotive body shop building; this request is for a Special Exception Permit to allow automobile repair services, major; the owners and tenant are proposing to add automotive rebuilding in addition to the current collision repair business; and staff is not aware of any issues.

WHEREAS, Paul Bloomfield of Equity Enterprises, 1984 LLC, tenant, and Danny Arnold, property owner, appeared before the Commission in support of the Special Exception Permit request; Mr. Bloomfield noted that in the past he and Mr. Arnold have been buying cars from insurance companies through different salvage yards; in order to get a permit from the Division of Motor Vehicles so they can purchase the vehicles direct from the insurance companies, they have to meet certain qualifications; part of the qualifications for getting the license is that they have a shop that can facilitate the necessary repairs; and

WHEREAS, Vice Chairman Daulton asked what kind of repairs would they be doing; Mr. Bloomfield noted that will depend on what vehicles he purchases, i.e. some vehicles will just need repairs, some could be flood victims, etc.; he further noted that if they are beyond repair, they go directly to salvage yards for parts; the cars they purchase are able to be repaired; Mrs. Daulton asked Mr. Bloomfield how this would differ from what they are already doing;

Mr. Bloomfield noted they currently purchase vehicles from an intermediary such as Cunningham's Auto Wreckers or East Coast Auto Salvage; he further noted that once they are licensed in the state, they will be able to purchase direct from insurance companies; also, part of the licensing requirement is that the shop has to be capable of repairing the vehicles; and

WHEREAS, Commission Member Thomasson asked if they would have to do anything to the shop to facilitate this request; Mr. Bloomfield noted that they currently do this type of work in the shop, and the only difference will be how they purchase the vehicles; and

WHEREAS, Vice Chairman Daulton stated that they would be basically doing the same thing they are doing now except for a different manner of purchasing; Mr. Bloomfield noted that this was correct; and

WHEREAS, Commission Member Robertson asked if they both operated the business since Mr. Bloomfield was listed as tenant; Mr. Bloomfield noted that Mr. Arnold has a frame and collision repair shop, and the shop is large enough that both can co-habit; further, he noted that he is semi-retired so some days he does not come into the shop; he noted that it depends on how busy they are; Mr. Robertson asked Mr. Bloomfield if he had been a tenant there since Mr. Arnold built the building, and Mr. Bloomfield noted that he had been a tenant before that; Mr. Arnold noted that they have worked together for approximately 10 years; Mr. Robertson asked if they anticipated having any additional vehicles stored around the property, and Mr. Bloomfield noted there would be none; Mr. Robertson noted that he is by this property almost every day, and he is amazed that he rarely sees any vehicles there; Mr. Bloomfield noted that they are interested in keeping it clean, and they do not want to have a salvage yard; further, he cannot afford to have 50 cars in a million pieces; and

WHEREAS, Chairman Murphy asked staff if automobile repair services, major, would include salvage repair; Mr. Tripp noted that the definition of salvage in the zoning ordinance is the processing of materials for other uses not for the original form; he noted that what they are proposing to do is to purchase vehicles needing repair, repair them, and then resell them; Mr. Murphy noted that there is some control over the property becoming a salvage yard, and the city would have some recourse if this did occur; and Mr. Tripp noted that this was correct; and

WHEREAS, Mr. Bloomfield noted that all repaired vehicles have to be inspected by a state inspector; further, the vehicles come with a branded title that says it has been repaired; and

WHEREAS, Mr. Robertson asked who they sell the vehicles to, and Mr. Bloomfield noted that the vehicles are sold to the public; and

WHEREAS, Vice Chairman Daulton asked if they had to have a used car license to sell the vehicles; Mr. Bloomfield noted anyone can sell up to five a year without a license; this is what they have been doing in the past, but now that he is semi-retired, they want to do more vehicles, and this is part of the licensing request; and

WHEREAS, William Mullins of 1208 Lynchburg Turnpike appeared before the Commission related to the request; he noted that the only thing he had to say was that he did not want it to look like "the Bottoms;" further, he wants to know who is going to enforce this because no one is enforcing the project next door to his house with regards to what was said at the meetings when it was approved; he wants to know who is going to enforce this request and make sure it does not get like "the Bottoms;" Chairman Murphy asked Mr. Mullins if he would clarify what he was referring to as "the Bottoms;" Mr. Mullins noted that he is referring to Florida Street and several of the other streets in that area; he stated that there are junk cars sitting everywhere down there, and he does not want this business to look like that; he wants to know who is going to enforce this because everyone knows what went next door to him, and they have not enforced what they were supposed to do there; Mr. Tripp noted that the Building Official and Zoning Inspector are responsible for enforcing the building code and zoning ordinance; Mr. Tripp further noted that one of the design standards for the automobile repair services, major, is that vehicles that are stored on the premises in excess of 72 hours must be placed in a storage yard; further, the storage yard shall be fully screened from public view and set back at least 100 feet from any adjoining residential district; Mr. Mullins asked if they could store vehicles outside, and Mr. Tripp noted as he stated before that if the vehicles are there more than 72 hours, they are supposed to be placed in a storage area; and

WHEREAS, Chairman Murphy told Mr. Mullins that the Commission was not here to address the issue related to the property next door to him; and Mr. Tripp noted that he would be glad to speak with Mr. Mullins about the project he is referring to after the meeting;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Equity Enterprises, 1984 LLC, tenant, and Danny A. & Stephania Arnold, property owners, for the issuance of a Special Exception Permit to allow automobile repair services, major, on the property located at 1648 Lynchburg Turnpike (Tax Map #151-1-3.2) be approved -- the roll call vote: all present - aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:18 p.m.

Executive Secretary

Chairman