

UNAPPROVED MINUTES  
PLANNING COMMISSION

July 11, 2012

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 July 11, 2012, there being present all the members of said Commission, to wit: Terrance D. Murphy, Vicki G. Daulton, Jimmy W. Robertson, Bruce N. Thomasson, and Samuel R. Carter, III; with Terrance D. Murphy, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

**DUE TO EQUIPMENT MALFUNCTION, THESE MINUTES WERE PREPARED WITHOUT THE ASSISTANCE OF AUDIO RECORDING.**

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, due to the illness 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 aye.

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the minutes of the regular meeting held on June 13, 2012, were approved as written – the roll call vote: all aye.

**In re: Request of Valley Properties, LLC, and L & M Properties, LLC, property owners, for rezoning a 3.753 acre parcel located at 891 East Main Street (Tax Map #108-1-3.1) from RSF Residential Single Family District to LM Light Manufacturing District with proffered conditions**

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider the request of Valley Properties, LLC, and L & M Properties, LLC, property owners, for rezoning a 3.753 acre parcel located at 891 East Main Street (Tax Map

#108-1-3.1) from RSF Residential Single Family District to LM Light Manufacturing District with proffered conditions; and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the June 27<sup>th</sup> and July 4<sup>th</sup>, 2012, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed June 29, 2012; and

WHEREAS, staff noted the following: the subject property consists of one parcel of approximately 3.753 acres, located along East Main Street, directly east of Oakey's Field; it is currently occupied by a parking lot, serving the commercial building located directly behind it; the parking lot is an existing grandfathered non-conforming use; this request will bring the zoning into compliance with both the current and future land use; the applicants have voluntarily proffered the following conditions: the property shall be used as a parking lot serving only the adjacent building owned by the owner/applicant and located on parcels having City of Salem Tax Map Numbers 84-2-12 and 73-3-7; the property may also be used for occasional parking by those using Oakey's Field for athletic activities, subject to such terms and conditions as may be agreed upon by the City of Salem and the owner/applicant; and

WHEREAS, Maryellen Goodlatte of Glenn, Feldmann, et al, representing the property owners, appeared before the Commission in support of the request; she noted that Mr. John Lipscomb and Mr. David McCray, property owners, were in attendance and could address any questions the Commission might have; she explained that when the owners purchased the property in 2005, it was their understanding that the property was zoned LM Light Manufacturing; however, when the City's zoning ordinance and map were updated in 2005, the property was inadvertently changed to RSF Residential Single Family District; she noted the purpose of the rezoning is to simply correct the zoning and to bring it into compliance with its existing use, which is a parking lot that serves the adjoining properties that belong to the property owners; the property owners are voluntarily proffering two conditions as a part of the rezoning; first, the property shall be used as a parking lot serving only the adjacent building owned by the owner/applicant and located on parcel having City of Salem Tax Map #s 84-2-12 and 73-3-7; further, the property may also be used for occasional parking by those using Oakey's Field for athletic activities, subject to such terms and conditions as may be agreed upon

by the City of Salem and the owner/applicant; second, by December 1, 2012, such

landscaping as may be mutually agreed upon by the City of Salem Arborist and the property owners shall be installed along Brand Avenue; and

WHEREAS, Camellia Casey Thompson of Roanoke, appeared before the Commission stating she grew up in this neighborhood and that she has friends that still live here; she noted that she did not understand the request, and she did not want to see this property developed for an industry because it affects their neighborhood; and

WHEREAS, Mrs. Goodlatte explained to Ms. Thompson that the petitioners were placing conditions on the property that would allow the property only to be used as a parking lot or as parking for the athletic activities at Oakey's field; she further discussed the two proffered conditions, including the condition related to landscaping; she also noted that if the petitioners wanted to use it for something else in the future they would have to come back before the Commission and City Council to have those conditions removed; and

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

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER, 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 Valley Properties, LLC, and L & M Properties, LLC, property owners, for rezoning a 3.753 acre parcel located at 891 East Main Street (Tax Map 108-1-3.1) from RSF Residential Single Family District to LM Light Manufacturing District with proffered conditions be approved -- the roll call vote: all aye.

In re: Request of Claude N. Smith, property owner, and Henmark, Inc., contract purchaser, for rezoning a 2.16 acre parcel located at 1106 Kesler Mill Road (Tax Map #6-1-6) from HBD Highway Business District to RMF Residential Multi-Family District

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider the request of Claude N. Smith, property owner, and Henmark, Inc., contract purchaser, for rezoning a 2.16 acre parcel located at 1105 Kesler Mill Road (Tax Map #6-1-6) from HBD Highway Business District to RMF Residential Multiple Family District; and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the June 27<sup>th</sup> and July 4<sup>th</sup>, 2012, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed June 29, 2012; and

WHEREAS, staff noted the following: this parcel contains 2.16 acres and is currently zoned HBD Highway Business District; the existing site was previously used as a restaurant and nightclub, and in December 2008, the establishment was destroyed by fire; currently the site is vacant; the contract purchaser is proposing to rezone the property to RMF Residential Multiple Family District to allow for the construction of 14 townhouse units; improvements such as parking, landscaping, and stormwater management will be provided as required by the zoning ordinance; in addition, the development will also provide open space along Mason Creek for the residents of the development; and a portion of the property is within the FEMA designated floodway as well as the 100 year and 500 year flood zones; and

WHEREAS, Ben Crewe with Balzer & Associates, Inc., representing the contract purchaser, appeared before the Commission in support of the rezoning request; he noted Mr. Mark Henrickson with Henmark Inc. was also present at the meeting; he further noted the site was previously used as a restaurant and club but is currently vacant and underutilized; he stated that the proposed development will be 14 two-story townhouse units, four three-bedroom units and 10 two-bedroom units; he further noted improvements such as parking, landscaping, and stormwater management will be provided as required by the City's Zoning Ordinance, and in addition, the development will provide open space for the residents along Masons Creek; and

WHEREAS, Commission Member Robertson noted that the elevation of the property was below street level; he asked Mr. Crewe if the development would be below the street also; Mr. Crewe noted that the development would be elevated, but that it would sit below the street level; Mark Henrickson appeared before the Commission and further discussed the elevation of the development, and he noted that the finished floor elevation would be at 1090'; and

WHEREAS, Commission Member Robertson asked Mr. Crewe about the parking for the development; Mr. Crewe noted that the units would have a garage and one parking space in

front of the unit; in addition, approximately 18 parking spaces would be provided across from the units; and

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

WHEREAS, Chairman Murphy noted he wanted to make it clear that he is concerned about this development because it is located in a flood zone;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY COMMISSION MEMBER CARTER, 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 Claude N. Smith, property owner, and Henmark, Inc., contract purchaser, for rezoning a 2.16 acre parcel located at 1105 Kesler Mill Road (Tax Map #6-1-6) from HBD Highway Business District to RMF Residential Multiple Family District be approved -- the roll call vote: all aye.

In re: Request of Roanoke College Trustees, property owner, for rezoning the property located at 232 N. Broad Street/247 Red Lane (Tax Map #87-7-7) from CUD College and University District to RSF Residential Single Family District; also, consider the request of City of Salem, property owner, for rezoning a .57 acre parcel located on Dulaneys Alley (Tax Map #105-4-1.1) from RSF Residential Single Family District to CUD College and University District

The Executive Secretary Pro Tem reported that this date and time had been set to hold a public hearing to consider the request of Roanoke College Trustees, property owner, for rezoning the property located at 232 N. Broad Street/247 Red Lane (Tax Map #87-7-7) from CUD College and University District to RSF Residential Single Family District; also, consider the request of City of Salem, property owner, for rezoning a .57 acre parcel located on Dulaneys Alley (Tax Map #105-4-1.1) from RSF Residential Single Family District to CUD College and University District; and

WHEREAS, the Executive Secretary Pro Tem further reported that notice of such hearing had been published in the June 27<sup>th</sup> and July 4<sup>th</sup>, 2012, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed June 29, 2012; and

WHEREAS, staff noted the following: the subject properties consist of two parcels; the first, the western portion of Tax Map #87-7-7, is located along North Broad Street, above the

intersection with Dulaneys Alley; the portion being rezoned is vacant, and is owned by the Trustees of Roanoke College; it is currently zoned CUD (College and University District) and is approximately .38 acres; the second parcel, Tax Map #105-4-1.1, is located to the southeast and is owned by the City of Salem; it is currently zoned RSF (Residential Single Family) and is approximately .57 acres; a parking lot currently occupies the parcel; this request is to rezone the portion of 87-7-7 fronting on North Broad Street from CUD to RSF (Residential Single Family), and all of Tax Map # 105-4-1.1 from RSF to CUD (College and University District); and a portion of parcel 105-4-1.1 lies within the 100 year FEMA designated flood zone; and

WHEREAS, Jay Taliaferro, Assistant City Manager and Executive Secretary, appeared before the Commission representing the City of Salem in support of the rezoning requests; he stated that Mac Johnson representing Roanoke College was in attendance also; he noted that when the Zoning Map and Comprehensive Plan were updated in 2005, the City added the CUD College and University District zoning designation; most of Roanoke College's properties that were being used for college-related uses were changed to this zoning with a few exceptions, such as the President's house, the College's warehouses, and a parcel on the corner of Hawthorn and High Streets; the parcel on North Broad Street was inadvertently changed to CUD; the City has been in conversations with Roanoke College about the property trying to determine a solution to the problem; the City and Roanoke College came to the conclusion to exchange the properties; the City will get possession of the parcel on North Broad Street, and the College will get the parcel along Dulaneys Alley now being used for a parking lot for City Hall employees; he noted that a portion of the City's parking lot would be cut off and combined with the Roanoke College parking lot to the north and a divider would be placed between the lots; Roanoke College students who use the college lot would only have access from Red Lane; City employees who currently use the City's lot would still enter from Dulaneys Alley; he further discussed the buffer to be installed to the west of the parking lot along the back of the Moushegian's property; further, the College is granting the City a permanent easement for the use of a parking lot on Dulaneys Alley; and

WHEREAS, Todd Leeson of 212 North Broad Street, an adjacent property owner, appeared before the Commission stating he and his wife, Whitney, have some concerns about

the proposed rezonings; he asked what the College planned to do with the City property they

are exchanging; it was noted that the City would have a permanent easement to use a portion of the property for a parking lot and the other portion would be combined with the Roanoke College parking lot; he asked what would keep the College from using the property for something else in the future; it was noted that if the College wanted to use the property for another use in the future the permanent easement would have to be removed, which would require a public hearing and the neighbors would be notified of the hearing; and

WHEREAS, Michael Bentley of 312 North Broad Street appeared before the Commission stating he had some issues related to the proposed rezonings; he stated he did not think the existing buffer along the college's parking lot is sufficient; he feels it needs to be a more substantial one; further, he also discussed the lighting of the parking lots;

WHEREAS, Stella Reinhard of 215 North Broad Street appeared before the Commission stating she also has some concerns about the proposed requests; she noted that parking lots sit below the grade of the street and she can see them from her house; everyone who walks up and down the street into their neighborhood can see the lots from the street; she noted that she did not think the buffer that is being proposed will be enough; she thinks the buffer needs to be heavier so that the parking lot would be screened from view from Broad Street; she noted that she is also concerned about the lighting of the lots, too; and

WHEREAS, Commission Member Thomasson asked for more detail regarding the proposed buffer along the parking lot, and Mr. Taliaferro stated the buffer will be done according to the zoning ordinance requirements; and

WHEREAS, there was further discussion regarding the buffer yard and also the permanent easement for the City's portion of the parking lot;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY VICE CHAIRMAN DAULTON, 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 Roanoke College Trustees, property owner, for rezoning the property located at 232 N. Broad Street/247 Red Lane (Tax Map #87-7-7) from CUD College and University District to RSF Residential Single Family District be approved -- the roll call vote: all aye.

WHEREAS, Commission Member Thomasson asked the city and college to hear what the neighbors had suggested with regards to the buffer; he noted that it's a beautiful neighborhood and though parking lots are necessary, they are not so attractive; and

ON MOTION MADE BY COMMISSION MEMBER CARTER, SECONDED BY COMMISSION MEMBER THOMASSON, 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 City of Salem, property owner, for rezoning a .57 acre parcel located on Dulaneys Alley (Tax Map #105-4-1.1) from RSF Residential Single Family District to CUD College and University District be approved -- the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:55 p.m.

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Executive Secretary

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Chair