

UNAPPROVED MINUTES
PLANNING COMMISSION

January 12, 2015

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 January 12, 2015, there being present the following members of said Commission, to wit: Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King (Vicki G. Daulton – absent); with Bruce N. Thomasson, Vice 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; William L. Simpson, Jr., Assistant City Engineer; Benjamin W. Tripp, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The December 10, 2014, regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of Nikola Sumenic, property owner, for rezoning the properties located at 805 and 811 Craig Avenue (Tax Map #s 47-4-4 and 38-6-5.1) from RSF Residential Single Family District to RMF Residential Multi-Family District (Continued from the December 10, 2014, meeting.)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Nikola Sumenic, property owner, for rezoning the properties located at 805 and 811 Craig Avenue (Tax Map #s 47-4-4 and 38-6-5.1) from RSF Residential Single Family District to RMF Residential Multi-Family District (Continued from the December 10, 2014, meeting); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the October 2 and 9, 2014 issues of The Salem Times Register, and adjoining property owners were notified by letter mailed on October 3, 2014; and

WHEREAS, Vice Chair Thomasson noted this item has been continued for a couple of meetings in order to give the petitioner the opportunity to determine some obstacles he was facing with regards to storm water management, sight distance, etc.; and

WHEREAS, Barney Horrell of Brushy Mountain Engineering, 3555 Carvins Cove Road, Salem, representing the property owner, appeared before the Commission noting that the owner is also in attendance; he noted as the Vice Chair had stated, the project

was first presented several months ago; at that time several issues were identified, first was utility availability; City staff researched the utility availability and issued an opinion stating they feel the project can be served adequately; second was sight distance, which was a very big concern for this property; the property is located in a turn at the top of a hill; Mr. Horrell explained the procedure that VDOT uses to determine sight distance is based on speed limit; the speed limit on the street is 25 miles per hour, and he is sure that a lot of the residents will attest to the fact that vehicles do not always abide by the 25 miles per hour limit; the required sight distance is 285 feet; they were able to clear some brush, etc. on the front of the property and feel that once they grade the site they will have the required distance; the third concern was storm water management; in this particular case there is not really any storm sewer available to serve this property; because of this, they had to go to the most restrictive management which is to limit the runoff from the site to a one year existing runoff during a 100 year storm event; they have come up with a plan to accomplish this; the entire parking area and driveway will be porous pavement, which allows water to soak through; he further explained that there will be several feet of gravel and French drains to pull the water out and direct it into a storage tank; the water will be slowly released out of this tank to meet the storm water requirements; they feel they have addressed the issues and concerns related to the project; he further noted they will be glad to answer any questions; and

WHEREAS, Commissioner Robertson noted one of his biggest concerns was sight distance; he noted it was also mentioned earlier in another meeting that the developer did not intend to rent to students but to couples, etc.; he has some concerns about a school bus picking up children directly in front of the project, and he wonders where that would put us on sight distance; Mr. Horrell noted that they cannot control who rents an apartment with regards to Mr. Robertson's concern about renting to students; he further noted he thought a bus parked in the far lane would have better visibility than a car would have on the inside of the curve; he noted that the bus would more than likely be stopped by the driveway which will be at the most northern end of the property; and

WHEREAS, Commissioner King asked if he could explain on the layout drawing where the porous material would be located; Mr. Horrell noted that the drawing is a conceptual view when they were first looking at how to arrange the property, and they have changed the orientation of the building; he asked Commissioner King if she had a copy of the site plan which is more up to date and he explained where the porous pavers would be located on the property; Mrs. King asked where the holding tank would be located; Mr. Horrell noted that most of the property drains to the rear at this time;

they will be capturing all the water from the parking lot, etc. and running it to the back of the property; he further noted the holding tank will be located under the building, which is a little bit of an unusual design; they are utilizing the foundation walls of the building and creating a tank; it is a method that is not used very frequently around this area; he further discussed the tank, the location and the design; and

WHEREAS, Vice Chair Thomasson asked how deep the tank would be, and Commissioner Carter asked how many gallons the tank would store; Mr. Horrell noted that the size is measured in cubic feet, and he does not have the figure for the storage amount with him; he noted he had a profile view he could share with the Commission; he further discussed the plans and the design of the detention tank; in addition, they will be preserving the trees in the rear of the property; and

WHEREAS, Commissioner King noted that she is totally unfamiliar with the idea of a holding tank; she asked him how mold, mildew and humidity would be handled; Mr. Horrell noted these are all great questions which came up in his meeting with City staff; currently there are many sites in the City that have underground storage and detention; some are concrete vaults and some are large storm sewer pipes; they do not hold water all the time; they capture water in a big storm event and then slowly bleed out and dry; in this case, they are lucky in that there will not be a lot of sediment build up in the pipes; all the water that goes into the tank is filtered through the porous pavers and then several feet of gravel and then into the detention tank; with regards to mold and mildew, it will be a concrete tank, the foundation walls will be concrete, the floor will be concrete and the floor of the building will be concrete as well; there will be a lot of air space, and as the drawing shows, they will achieve the volume they need with about one and half feet of water storage for a 100 year event for hopefully less than 48 hours; the large air space above it will be vented with a powered crawl space vent, basically a vent fan, to pull air through to keep fresh air in the space; if for some reason the outlet pipes became plugged, they have vents so the water would never get even close to the bottom of the floor of the building; and this venting system has been discussed with staff; and

WHEREAS, Commissioner King asked how far would the floor be above the vent; Mr. Horrell noted from the top of the 100 year water level there would be approximately 6 to 6 ½ feet of air space; Commissioner Carter asked if it would extend under the entire building; Mr. Horrell noted that it would, and since the building will be approximately 50 x 150, this will be a large area; further, by using the entire area, they will be able to keep the water level fairly low; and

WHEREAS, Commissioner Carter asked how would it be discharged; Mr. Horrell noted there will be three 4 inch tiles (pipes) from the holding tank area, one spaced in the middle of the building and one on either end; these will extend 15 or so feet out from the building and there will be an outlet into a long, linear gravel trench; the water will dump into the gravel trench and from there it will disperse across the property; they are trying to get the water to sheet flow or spread it out as much as possible before it leaves the property; and

WHEREAS, Commissioner Carter asked if water is held in the tank for a certain period of time and then dispersed, or does it start draining at once; Mr. Horrell noted that as soon as it starts raining it will take a little while for the water to soak through the pavement through the gravel and into the tank; as soon as it enters the tank, it will be allowed to start releasing from the tank through a couple of two inch holes which orifices feed into the pipes; and

WHEREAS, Commissioner Robertson noted that he had mentioned the tank would actually be the foundation of the building; he asked how much space would be between the base of the tank and the floor of the apartment building; Mr. Horrell noted it would be approximately 8' from the concrete floor of the basement to the bottom of the building; and

WHEREAS, Commissioner King asked staff if releasing the water in the way Mr. Horrell described would create a situation where the water will somehow end up on adjoining property owners; Will Simpson noted the water they will be containing will actually be released at a slower rate than it is now; anything that is currently going back to the rear will still be going back there, but it will be at a slower rate; he furthered noted that it will technically be improving the situation; and

WHEREAS, Commissioner King asked with all the improvements on the property would the ground be able to hold the water; Mr. Horrell noted it would; there is quite a bit more impervious area and the proposed building is quite a bit larger than the existing house so those are the reasons the detention is required; and

WHEREAS, Commissioner Robertson asked where the water coming off the roof will go; Mr. Horrell noted that the water off the roof will go into the tank as well; in fact, the front half of the building drains out onto the asphalt so that it is filtered additionally as it goes through the gravel bed before it gets to the tank; he noted the state has some

newer pretty strict requirements on treating the quality of the water now compared to what was required a year ago; and

WHEREAS, Vice Chair Thomasson noted he had a question for the developer; he stated this is a significant investment he would assume, so at what point does the return on the investment occur; and

WHEREAS, Nikola Sumenic of 934 Hill Avenue, property owner, appeared before the Commission noting that they will be doing the construction themselves and will not be hiring any subcontractors; Vice Chair Thomasson asked if they would be constructing the tank also; and Mr. Sumenic stated they would be constructing the tank; he noted that it is will cost less to build the tank under the building rather than doing it as a separate tank on the outside of the building; Mr. Horrell noted if the Commission looks at the profile drawing he presented, the bottom of the basement area is 4' below the existing ground; they would have to dig the footers about this depth any way to get good load bearing; since they already have the foundation walls going this deep, they can pour a slab on the bottom that would provide three quarters of the tank; the top of the tank will be the first floor of the building; they achieve a tank but with much less cost than having to build a separate tank elsewhere on the property; and

WHEREAS, Commissioner Carter asked that if we get a few years in the future and suppose the tank does not work like we think it is going to, what protection will there be so the City does not incur downstream costs because of this construction; Mr. Horrell noted this came up with staff in their discussion of the system; one of the thoughts was that this will be much easier to inspect because it will basically be a large room, which can be visually inspected; whereas with the underground pipes it is quite hard to go in and inspect those frequently; he also discussed with staff the need to have a regular maintenance schedule set up which the owner would need to comply with to make sure it is working correctly, including involving a structural engineer periodically; the structural engineer would make sure everything is still in good shape, and if not, then remediation would be necessary; whenever we are doing something a little unusual, there is a lot of concern about inspections and making sure things are working correctly; so they will need to have a very good agreement in place to address those concerns; and

WHEREAS, there was further discussion regarding access, maintenance, and inspections of the tank; and

WHEREAS, Ed Oliver of 846 Craig Avenue appeared before the Commission in

opposition to the request; he noted that he is very familiar with the road in fact he walks his dog about five times a day on the road; he noted that he started a safety consulting company 27 years ago and deals with OSHA, EPA and DOT issues; he is qualified to identify a hazard; before the meeting today he sat in the driveway of the property and timed the vehicles as they approached the property to see how long it would take for them to come right in front of him; he further noted that the speed limit is 25 miles per hour but who drives 25 MPH; he noted no one drives at that speed; he further discussed sight distance related to the property with regards to school buses, etc.; he presented videos showing traffic approaching the property from both directions; he asked can we be assured there is enough time to react to a vehicle pulling out from the property; he respectfully requested the Commission deny the request; he further discussed the possibility of students residing here and the problems they create; and

WHEREAS, Theresa Shepherd of 840 Craig Avenue appeared before the Commission in opposition to the request; she noted that she and her husband have owned property on Craig Avenue since 1968; she noted that she presented a petition to the Commission at the first meeting; since then, she has obtained a few more signatures, and she presented the new petition to the Commission; she is concerned about where the water is going to run, etc.; she does not think it is possible to correct the water from flowing onto other properties; she walks her dog and the water runs off now and sits there for weeks; another thing that concerns her is safety with regards to the access to the tank; she asked what is going to be done to make sure that children and animals do not get into the "basement" of the building; further, there are no sidewalks in this area and people have to walk in the street; she questioned the safety of children playing in the area; with more cars coming out of this property they have no place to get out of the way; she noted that the proposed apartment building will be a detriment and will totally ruin their neighborhood; they have a quiet neighborhood, and they respect each other's property; she feels it is very doubtful there will be any respect in this situation; they are tax paying citizens and have nice properties; and

WHEREAS, William Shepherd of 840 Craig Avenue appeared in opposition to the request; he noted the one thing he wanted to emphasize is if this request is granted, their lives will never be the same; from a quiet neighborhood where everyone gets along, and then we allow an apartment building to be built on their street; they are not home owners and will not care; he believes there could be vandalism with people tearing up their properties; there are a lot of things to take into consideration before we approve this request; he does not think it is right nor considerate for this gentleman to

want to come up here and mess up their neighborhood with an apartment building; and he asked the Commission to deny the request; and

WHEREAS, Fred Lee of 1000 Craig Avenue appeared in opposition to the request; he noted he agrees with his neighbors, and he noted he does not believe there is enough room for a minimum of 24 cars; it is a nice quiet neighborhood, and he cannot see letting them construct this building; and

WHEREAS, Margaret Spurlock of 845 Craig Avenue appeared before the Commission in opposition noting she was in agreement with her neighbors; she stated she hoped the Commission would not approve the request; she noted traffic is already bad on their street, and this project is going to make it even worse; further, she cannot understand why they are proposing to build 10 one-bedroom apartments and only 2 two-bedroom apartments; this sounds like to her that they building it for single people maybe like a dorm for college students; and

WHEREAS, Mr. Shepherd asked who would monitor the developer to make sure he does what he has said he will do; we need to think about that; and

WHEREAS, Mr. Horrell noted that we can tell the neighbors take a lot of pride in their neighborhood; first, he noted he wanted to address the comments about the number of bedrooms – 10 of the 12 units are actually two bedrooms, and the last 2 units are single bedrooms; this is because of the limitation on the density that can be developed on the property according to the zoning; as far as the concerns about the school buses, he does not doubt it can be a dangerous situation, and he agrees there is very little shoulder on the road which is consistent up and down Craig Avenue; he can understand the concern about walking on the street; in this case, their hope is by clearing some of the brush and improving the sight distance in front of their property that they will be making the situation better; he further noted that landscaping would be a part of the project as is prescribed by the City code; with regards to maintenance of the property and the storm water facilities as promised, there will be an agreement signed by the owner and the city which will be similar to other storm water agreements in the City; and

WHEREAS, Mr. Sumenic noted they are not trying to ruin the neighborhood – they are actually trying to improve it as much as they can; he noted that with regards to a place for children to play, there is an area behind the building where it will be possible for them to put some playground equipment; Mr. Horrell noted as shown on the profile

drawing, there is an area of approximately 35' of fairly flat ground they are creating which could be used for a playground area, which would depend on the demand once tenants move in the building; and

WHEREAS, Mrs. Shepherd noted Mr. Horrell stated they would have to cut down the hill quite a bit, and she asked him to explain; Mr. Horrell shared the site drawing with the audience and explained how the property would be developed including grading the site; and

WHEREAS, Mr. Oliver noted that the grading may add a second to the sight distance which would bring the timing up to four seconds, but this would be if a car is going 25 miles per hour; he noted that we are talking real world here, and this is an issue with regards to the sight distance; and

WHEREAS, Mr. Horrell noted that the neighbors might want to ask the Police Department to monitor the road a little more; Mr. Oliver noted the problem is with the students who change continually, and their speed is extremely fast on Craig Avenue; further, the police are doing a very good job in monitoring the road, many times a day, but this does not change the behavior of the students; and

WHEREAS, Mr. Shepherd asked if the developer was proposing to install a retaining wall on Craig Avenue; Mr. Horrell noted that they are not proposing a retaining wall; the proposed grading plan has a nice gentle grade from the front edge of the parking lot down to Craig Avenue; and

WHEREAS, Mrs. Shepherd asked Mr. Horrell if he answered her question; Mr. Horrell noted her question was what area of the property would they be grading or shaving off; at the southeast corner of the property, which is presently wooded, this is the area which will be reshaped the most; it has a pretty steep bank that goes down to the roadway ditch; they have already cleared some of the brush and additionally, they will shave a couple feet off in this area to improve the visibility; Mrs. Shepherd noted that a couple of feet would not be that much, and Mr. Horrell agreed with her; and

WHEREAS, Commissioner Robertson noted that he personally has reservations about the curve in the road and the sight distance, and he is still a little in the gray about the proposed storm water management issue; he has visited this site many times and in his mind, he thinks it is quite a stretch to try to get this project completed; and

WHEREAS, Vice Chair Thomasson noted that he believes that the project is overly ambitious which concerns him with safety and the storm water management issues; he noted he also wanted to remind everyone that the request will go to City Council on January 26th at 7:30 p.m.;

ON MOTION MADE BY COMMISSIONER ROBERTSON, SECONDED BY COMMISSIONER KING, AND DULY CARRIED, the request of Nikola Sumenic, property owner, for rezoning the properties located at 805 & 811 Craig Avenue (Tax Map #s 47-4-4 & 38-5-5.1) from RSF Residential Single Family District to RMF Residential Multi-Family District is hereby denied – the roll call vote being as follows: Mrs. King – aye, Mr. Carter – nay, Mr. Robertson – aye, Mr. Thomasson – aye, and Mrs. Daulton – absent.

WHEREAS, Commissioner Carter noted during his vote that this is a tough issue; he has always tried to look at the situation and if all the issues have been addressed, then there needs to be more than that to receive a refusal from the Commission; further, he believes that every question in this request seems to have been successfully answered so he voted against the motion to deny.

There being no further business to come before the Commission, the same on motion adjourned at 7:53 p.m.

Chair

Executive Secretary