

UNAPPROVED MINUTES  
PLANNING COMMISSION

February 11, 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 February 11, 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 Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; 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:

ON MOTION MADE BY COMMISSIONER CARTER, 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 by acclamation.

The January 12, 2015, work session and 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 (City Council voted on Monday, January 26, to send the request back to the Planning Commission)

The Executive Secretary Pro Tem 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 (City Council voted on Monday, January 26, to send the request back to the Planning Commission); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the January 29 and February 4, 2015, issues of the Salem Times Register, and adjoining property owners were notified by letter mailed on January 30, 2015; and

WHEREAS, staff noted the following: the subject property consists of two parcels located along the west side of Craig Avenue, south of the intersection with Thompson Memorial Drive; the total acreage is approximately .83 acres, and the larger lot is currently occupied by a single family residence; previously, the applicant submitted a proposal that would have allowed the construction of a single multi-family building containing 10 two-bedroom apartments and 2 one-bedroom apartments; the plan included the construction of a parking lot for the use of residents and guests, as well as a storm water facility in the basement of the building; after consideration at their January meeting, the Planning Commission voted to recommend denial of the request to City Council; prior to the City Council meeting on Monday, January 26<sup>th</sup> when the request was scheduled to be heard, the applicant submitted a revised plan for the development, and requested to have it referred back to the Planning Commission for them to reconsider with the changes; the new proposal would allow the construction of two offset multi-family buildings containing 6 units each; one of the units will contain both of the one-bedroom apartments; on January 29<sup>th</sup>, the applicant submitted a letter asking that the request be continued until the March 11<sup>th</sup> meeting, in order to allow them more time to work on meeting storm water requirements; in accordance with Section 106-400, this project requires the submittal of a Site Plan prior to development commencing; at the October Planning Commission meeting, several neighbors spoke in opposition to the request; among their concerns were water pressure and sewer flow in their neighborhood; they contended that there was a problem with both; the Planning Department contacted the Director of Water and Sewer to find out if there were any problems in the area; it was determined the water pressure and sewer flows were sufficient to handle the proposed development; at the November meeting, the request was continued to the December meeting to allow the developer time to address concerns related to sight distance for ingress/egress as well as storm water management; the developer's engineer met with the Engineering Department regarding the sight distance, and it was determined he could apparently meet the intersection sight distance recommendation from VDOT, which can probably be achieved with considerable grading and earthwork; the developer is aware that he would have to fully control the modified 100 year storm volume in order to get storm water management (SWM) approval; this is a pretty stringent requirement, but it is an avenue that can receive SWM approval; at the December meeting, the petitioner and his engineer requested a continuance to the January meeting in order to address further concerns related to storm water management; the developer's engineer met with the Engineering and Inspections Department, and they believe an acceptable plan has been identified; at the January meeting, the Planning Commission voted 3-1 to recommend denial of the request; the applicant subsequently revised the plan to attempt to alleviate neighborhood concerns and asked that City Council refer the request back to the Planning Commission for reconsideration under the new design; and

WHEREAS, Barney Horrell of Brushy Mountain Engineering, 3555 Carvins Cove Road, Salem, representing the property owner/developer, appeared before the

Commission explaining the revised project; he noted he is excited about the project as he is a civil engineer and as an engineer when going through school lot of things are based on failure & analysis; why things failed and how to make them better so they will work the next time; the design they brought before the Commission the last time was a failure; it met all the code requirements, i.e. drainage, sight distance, etc. but it was a failure because it was not suitable to the neighborhood; they heard this at the last meeting and this is why they asked City Council not to consider the request and allow them to come back with an entirely different design; he noted they have gone from one large bread box building which ran kind of parallel to the street to something much more appealing from the street; the proposed project now has two smaller buildings which brings the scale much more in line with the residences on the street; the parking has been pulled in from the road a little bit, which allows them to hide it better using the topography and some landscaping; the layout still has 12 units, 10 of which are two bedrooms and 2 of which are one bedroom; the required number of parking spaces are provided, and there is good maneuverability in the parking lot; further, the plan complies with the landscaping requirements; he further discussed an additional plan they had considered which had the driveway further down Craig Avenue, and again, the sight distance came up as a very big concern so they heard this and immediately went back to this design; the driveway has been pushed as far to the north as it can be, and it does have adequate sight distance; in addition, the owner has cleared a little more brush off the front property line to further improve the sight distance; with the proposed plan, there will be some additional grading done in the front corner bringing the bank back some; and after discussing the design with some city staff members, the owner is very agreeable to granting an additional easement on the front, 10 or 15 feet, whichever the city believes is necessary; this will be a grading easement so if in the future the city deems public safety is not up to par, they can pull more dirt out to further improve the sight distance; and again, the driveway shown on the plan meets the minimum sight distance set by the Virginia Department of Transportation based on the speed limit; and

WHEREAS, Commissioner King asked if the additional property that could be granted to the city lies along Craig Avenue; Mr. Horrell noted that this was correct, however, the property will not be granted, an easement will be granted which will remain in the owner's possession; he will still be responsible for mowing the grass and keeping the landscaping up, etc.; he again explained this would be used if the city determines that additional space is needed; Chuck Van Allman noted that if weeds or plants were allowed to grow up in this area further reducing the sight distance, this gives the city the ability to go in and cut those down; and

WHEREAS, Mr. Horrell noted the other big concern he heard from the Commission at the last meeting was the previous storm water design; the plan had the storm water in the basement area of the large bread box building; again, this engineering worked but it is not something that we see very often around this area; with the new plan, the storm water will be underground detention under the parking lot; they have also improved the design as there is no storm water outlet or pipe that will exit the property; with the previous design, they had a series of pipes that bled out to the west of the building; all this has been eliminated; all the runoff will go into the underground storage; he further explained the underground storage and noted it is a package system that is used all over the country; he noted that he has done installations of this system in other locations and other states as well; further, the manufacturer specifies all the maintenance and the installation criteria, etc. and

WHEREAS, Vice Chair Thomasson asked if it would slow drain, and Mr. Horrell noted that this was right, it will perk into the ground; further, they have provided enough detention volume that in a 100 year storm all the water will be held and would not be allowed to run off the site; this is about as much volume requirement as can ever be required on a site; they will be detaining all the volume and allowing it to slowly perk into the ground; Mr. Thomasson asked if there would be a perk test, and Mr. Horrell noted that he has done some perk tests; he explained that the difficulty is that the system ends up sitting about 8 to 9 feet below existing grade so he has not done any perk tests at this level; but the design will hold 100 year volume without any perking; and

WHEREAS, Mr. Horrell noted that sight distance was another big concern at the previous meeting; since that time he contacted the school board and spoke to the lady who routes the buses; he discussed the project with her; she said that currently the bus comes up Craig Avenue from the south to the north, goes up to Penguin or Polar Lane, turns around, and comes back down Thompson Memorial; he explained how there was some concern about sight distance coming up the hill, and she said the number one priority is the safety of the kids, and they will gladly reroute the buses and come down Craig Avenue if they feel this is safer; Vice Chair Thomasson asked if this would be from north to south, and Mr. Horrell noted this was correct; and

WHEREAS, Mr. Horrell noted he feels engineering wise they have ended up with a better design and constructability it is a better design; he stated there was some concern about the proposed tenants, and he stressed the developer cannot prohibit anyone from renting; they did some research regarding the requirements of Roanoke College; the College has a very strong desire to keep all their students on campus, all

four years if possible; they allow students to move off campus, but there is a petition process and certain criteria must be met; the highlights of the criteria are the student must be over 23 years of age, have children, married, active military, have parents or grandparents who live within 30 miles, been a resident of Salem prior to enrolling, etc.; the last exception is if they have extra students they are unable to fit in dorms, then they allow them to move off campus based on seniority; he further discussed the requirements with regards to seniority; and

WHEREAS, Mr. Horrell presented a 3D flyaround as part of his presentation; he noted they paid a lot of attention to the facades of the buildings trying make them look on scale with the existing house; he further explained the layout, landscaping, materials, etc. of the project; he further noted that the presentation gives a better idea of the scale of the project and by going from one building to two buildings really makes it look more residential and less like a dormitory; and

WHEREAS, Commissioner Robertson asked about the elevation of the property at the rear located behind the proposed parking lot; he noted if he recalled correctly it is rather steep in this area; he further noted he is assuming that they will be taking the dirt out of the parking lot area and moving it back to elevate the building for proper drainage into the detention area; he asked if the water from the buildings would be draining into the parking area; Mr. Horrell noted that he was correct regarding the dirt being moved to the rear; further, there will be gutters on the buildings and the gutters will direct the water to an inlet which is between the two buildings and from there enters the underground detention area; Mr. Horrell noted that the finish floors of the two buildings are within six inches of each other; and

WHEREAS, there was further discussion regarding storm water management; and

WHEREAS, Ed Oliver of 846 Craig Avenue appeared before the Commission in opposition to the request; he noted that he has lived here since 1989; he stated he thought Mr. Horrell did a great job and made some good improvements to the project; he is an engineer and he controls what he can control; he stated he is a safety consultant, and he would like to look at this from the safety aspect; he wanted to look at how life is going to be on Craig Avenue; the plan looks really good and the buildings look good; with regards to Roanoke College rules and regulations for students who live off campus, he noted that is a fiasco; he has had the Assistant Dean of the college come to his home, and they put up a sign on one of the homes a couple of doors up

from his home; the sign states no alcohol on the premises, and he has pictures especially on a Friday or Saturday night where alcohol is everywhere; he noted that it is obvious that the sign does not mean anything but is just to placate the neighbors; he offered to show pictures of the situation; when we have a college where the students are transitory and they are away from home and not under the eye of the dean, then we have a problem; he gave a presentation showing traffic patterns, etc.; he discussed I-81 and all the problems with accidents, etc.; the neighbors anticipate a problem similar to I-81 if this complex is approved; he noted that we have no control over I-81 but we do have control over Craig Avenue where people live; he also passed his iPad around showing a home on Craig Avenue with red cups and beer cans littering the yard and street; he further discussed problems with the Roanoke College students living on Craig; now, with the proposed apartment complex, they could have more students living there; he asked the Commission to put themselves in the neighbors' shoes because life on Craig Avenue will never be the same again; and again, we have no control over I-81 but we do have control over Craig Avenue; and

WHEREAS, Theresa Shepherd of 840 Craig Avenue appeared before the Commission in opposition to the request; she noted the changes being presented do not change the neighbors' position; they still believe that the land and the neighborhood are not suitable for an apartment building; they believe that the Planning Commission's obligation is to make a recommendation that supports what is best for the community as well as the existing residents; this land is not suitable for a project like this one as evidenced by the amount of changes that are required to meet the code; even though the engineer has indicated that they will make a lot of changes that will make it in fact meet the code and be suitable, but as noted so far she does not believe this will happen; the reason she believes this is because the owner has had people cleaning up the property so that it was presentable for the Commission's visit; during this cleaning, the brush was placed on the side of the road as well as in the road; they had to call to get the City to pick up the brush; and now, this evening there is a vine hanging down in the street from the owner's cleanup, and they had to drive on the other side of the street to keep it from hitting their cars; she believes that this is indicative to them of the type of neighbor they will have, if this apartment complex is allowed to proceed; further, the cleanup has not been done in a tidy fashion; the petitioner and his engineer have presented a pretty picture, but they all know this is not the case with apartment complexes; there are already two major apartment complexes on Craig Avenue but they are in a much better suited area; they are off the road, have walking areas, playgrounds, swimming pools, etc.; she further noted that those complexes have acreage but with the proposed complex, she believes that it is only 75' and is a very

small area; she agrees that the picture looks very nice but she does not think we will see that; in addition, she believes that the complex will result in 40+ cars at any given time; if we have college students living there, then we will have one car for every person that lives there; she thinks that a two bedroom apartment will have probably six people living there; she further discussed the City's ordinance regarding unrelated individuals living together; she believes that nothing but harm will come to this community if this request is approved so they beseech the Commission to do the right thing and deny the request; she further discussed the reasons she felt it should be denied, i.e. property has been zoned as residential for more than 70 years, is not suited to build apartments upon, the Planning Commission originally rejected the request, property is located on a blind curve, current neighborhood is single family homes, and etc.; further, putting an apartment building in this area will significantly reduce the property value of the existing homeowners; they have information from a realtor indicating that their property value would be reduced by up to 25%, and she thinks this would be terrible; they also believe the proposed project will reduce their quality of life and possibly subject them to high crime rates and safety problems; and

WHEREAS, Commissioner King noted Mrs. Shepherd said they had contacted a realtor, and she asked her if she could tell her the name of the realtor; Mrs. Shepherd said that she would prefer not to give the name; Mrs. King asked her if this was a licensed realtor with appraising capabilities; Mrs. Shepherd noted it was a bona fide realtor in Salem, and it was a statement that was made; the realtor did not come out and appraise the property; she noted that her property is worth over \$250,000 and she would hate to think that the value would be reduced; they do not live in shacks – they live in a nice neighborhood and it would be unfortunate that their neighborhood would be ruined because of another apartment building on Craig Avenue; and

WHEREAS, Margaret Spurlock of 845 Craig Avenue appeared before the Commission in opposition noting she was in agreement with her neighbors; she noted that Mr. Oliver and Mrs. Shepherd said what she had on her notes; this will cause more traffic in one area, and past this property there are blind driveways; and further, her concerns have already been discussed; and

WHEREAS, Fred Lee of 1000 Craig Avenue appeared in opposition to the request; he noted he has lived on Craig Avenue for about 47 years; he has dealt with college students for at least 15 years; there has been major problems and a taskforce was formed; at one time there was 45 members and now they are down to 15 members including Roanoke College and City staff; the City Code states up to four unrelated

individuals can reside in a residence; currently at 900 Craig Avenue he knows there are six living in this house; every morning he goes out to get the newspaper, the same 6 cars are there; further, on the weekend, there can be 10 cars there; if the college students move into the proposed apartment buildings, we can figure probably 40 cars, and he does not think there is enough room to put that many cars; in his opinion, if we let college students move in, they will not be good neighbors to live in this neighborhood; further, he echoes what Mr. Oliver and Mrs. Shepherd stated, and he requested the Commission to deny the request; and

WHEREAS, Mary Sanchez of 832 Craig Avenue appeared in opposition; she noted she has lived here for 7 years; as a mother, she is concerned for the safety of her children because the students have big parties; on the weekends there are a lot of cars, and her children are afraid to go into the back yard to play because of the noise from the parties; the students create a big mess and have a lot of trash in the yard; the trash blows into her yard and her neighbors' yards, and they have to clean it up; if students or families move into the new apartments, she does not think it will be the same neighborhood they have now; and

WHEREAS, Fred Lee noted if the City chooses to change the bus route, Ms. Sanchez' children will have to cross the street to catch the bus since they live on the other side of the street; he further noted right now the bus runs in both directions as he sees it come up the street and then a little while later it goes back down; and

WHEREAS, William Shepherd of 840 Craig Avenue appeared in opposition to the request; he noted that everyone had pretty much covered his concerns; he noted he was also a member of the task force which Mr. Lee had mentioned; one of the things he brought up at a meeting was that these are not students of Salem, Virginia, they are students of Roanoke College and Roanoke College needs to do something about the behavior; he called the police twice in the last week because there has been a car parked half way in the street near the store on the right hand side of the street heading in a southerly direction; the police had to come and tell them to move the car; he also discussed the number of unrelated living in a house; the students totally disrespect the neighborhood; he further discussed a party that took place the past weekend and the behavior of the students; this is not to say that the developer would solely want college students in the apartments, but it is whoever they can rent to that meets the qualifications; further, he does not feel this project would improve the neighborhood; if the developer wants to make an improvement, he should build a couple of houses as there is enough space for two houses; he hopes the Commission will consider the

feelings and concerns of the neighbors and reject the request to rezone; and

WHEREAS, Vice Chair Thomasson asked Mr. Horrell and Mr. Sumenic, if they would like to make any additional comments, and Mr. Horrell noted they did not have any other comments; and

WHEREAS, Vice Chair Thomasson noted the Commission has been here several times in regards to this request, and they appreciate everyone’s input; they also appreciate the petitioner’s willingness to make changes; further, they have listened and have taken good notes, and he called for a motion; and

WHEREAS, Commissioner King noted she appreciates the discussion about the problems the residents have had with Roanoke College, but she does not think we can hold the petitioner responsible for the actions of Roanoke College; however, she believes that the current zoning is reasonable for this area;

ON MOTION MADE BY COMMISSIONER KING, SECONDED BY COMMISSIONER 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 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 be 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, Vice Chair Thomasson noted the request will go to City Council on February 23<sup>rd</sup> at 7:30 pm, and that the Planning Commission is an advisory body to City Council; Council will have the final decision in the matter; he complimented Mr. Sumenic and Mr. Horrell on their effort to make this project workable; and he thanked the residents for their input.

There being no further business to come before the Commission, the same on motion adjourned at 7:52 p.m.

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Executive Secretary

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Chair