

UNAPPROVED MINUTES
PLANNING COMMISSION

June 15, 2016

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 June 15, 2016, there being present all the members of said Commission, to wit: Vicki G. Daulton, Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King; with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Charles E. Van Allman, Jr., Director of Community Development; Benjamin W. Tripp, Planner; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The May 11, 2016, work session and regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of Judah Land LLC, contract purchaser, and General Electric Company, property owner, for rezoning eight parcels located in the 1500 block of Boulevard-Roanoke (Tax Map #s 221-3-8, 9, 10, 11, 12, 13 & 14 and 222-1-1) from RB Residential Business District to HBD Highway Business District

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Judah Land LLC, contract purchaser, and General Electric Company, property owner, for rezoning eight parcels located in the 1500 block of Boulevard-Roanoke Avenue (Tax Map #s 221-3-8, 9, 10, 11, 12, 13 & 14 and 222-1-1) from RB Residential Business District to HBD Highway Business District; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the June 2 and 9, 2016, issues of the Salem Times Register and adjoining property owners were notified by letter mailed June 2, 2016; and

WHEREAS, staff noted the following: the subject property consists of eight parcels of approximately 6.4 acres located on the south side of Boulevard-Roanoke, across from General Electric; the property is currently vacant; the applicants wish to rezone the property in order to construct an Assisted Care Residence and Life Care Facility for veterans on the property; the new facility would be mostly on a single floor and would have approximately 120 beds; it would also include associate parking, buffer yards and landscaping, and outdoor areas; in accordance with Sec. 106-400 of the Zoning Ordinance, this project will require an approved site plan prior to any work commencing; and

WHEREAS, Sherone Cephas, representing Judah Land LLC, appeared before the Commission explaining the rezoning request; he noted that his parents, Oral and Sandra Cephas, are the owners of Judah Land LLC; they currently operate two assisted living facilities, Cave Creek located in Troutville and Magnolia Ridge located in the Raleigh Court area of Roanoke; he noted that his family has been in this area since 2005; his Dad is a retired Navy veteran and a physician's assistant, and his Mother is a registered nurse; they have been operating the two locations since they moved here; currently, they have 54 beds in Troutville and 34 beds in Roanoke and the majority of their residents are veterans; he noted that he is a veteran as he just retired from the Air Force in 2014; he will be the operations manager and the project manager for this project; their goal is consolidate the two current facilities; they fell in love with this property and the area with its close proximity to the Salem Veterans Hospital, which they do a lot of business with; they believe this will be the perfect opportunity to consolidate the two facilities into one; he noted the proposed facility will have 120 beds and the design of the structure will be something that will blend into the community; he noted that their facility, Magnolia Ridge, blends into the community very well, and most people do not know they are there; he further noted that the proposed project will be a \$9 million investment and they will employ approximately 64 full time and part time employees so they will be creating jobs; they want to be good, quiet neighbors in the community; they had a community meeting a couple of weeks ago and spoke to some of the neighbors; one of the concerns that came up at that meeting was that there was no screening or landscaping along the eastern property line to protect the neighbors on Alberta Drive from seeing the building; he noted that the city code did not require the buffer yard on this side because the properties are zoned RB Residential Business District; so they took this into consideration and asked their engineer to add a buffer yard along that side of the property up to the Montessori School; he noted that they are a local family who live in Roanoke and they plan to stay in the area; they work well with the State and their inspections are always good; and

WHEREAS, Chair Daulton noted she wanted to commend them for going around and talking to the neighbors; she thinks this is very honorable of he and his family to do this;

WHEREAS, Vice Chair Thomasson asked if the facility would be a CCRC (continuing care residential community) and Mr. Cephas noted it would not be; he noted they are in the assisted living business; they had mentioned to city officials earlier that they might possibly convert 10 units, which would be 20 beds, for a nursing home but this is some time down the road and the reason for this is to capture some of the residents that they might lose; and

WHEREAS, Commissioner King noted city staff received a letter from their engineer this

afternoon with proffers for the project; she asked if they were proffering the items mentioned in the letter, and Mr. Cephas noted that this was correct; Mrs. King noted the proffers were as follows:

- 1) Type B or better buffer yard will be added between the two adjacent residential parcels to the east, Tax Map # 222-1-2.1 and 222-2-2.2; and
- 2) The use of the property will be limited to the following uses:
 - A. Assisted care residence
 - B. Life care facility
 - C. Nursing home

; and

WHEREAS, Vice Chair Thomasson asked Mr. Cephas how do they determine life care as it seems kind of nebulous; Mr. Cephas noted they used the term that was provided to them by the city code but in his mind, life care involves the three phases towards the end of someone's life, independent living, assisted living and nursing home; they are in the business of assisted living and their care is providing and making sure the resident can still live an independent life; when they think of care, they think of being there for that person; and

WHEREAS, Ben Tripp, Planner, noted that the proposed uses were determined by the Zoning Administrator; and Vice Chair Thomasson thanked him; and

WHEREAS, Commissioner Robertson noted that he mentioned they would employ approximately 64 people at the proposed facility; he asked if there would be nurses included in the group, and Mr. Cephas said they are projecting to have 64 employees and yes, they will have nurses; he noted as he stated earlier his mother is a registered nurse and his dad is a physician's assistant, however, they will not be hands on so they will have a registered nurse or two and a few licensed practical nurses on shifts and then there will be med technicians and nurses' aides; Vice Chair Thomasson asked if there would be certified nursing assistants (CNAs) and Mr. Cephas noted that they do not really need CNAs in assisted living as the heart of their business is really handing out medication; and

WHEREAS, Chair Daulton asked what are their intentions for the two current facilities if they are planning to combine the two facilities into the new facility; Mr. Cephas noted that they will eventually sell both of the properties; and

WHEREAS, Chair Daulton asked what attracted them to Salem; Mr. Cephas noted that he likes this area and he likes the business friendly atmosphere; another reason as he stated

earlier is the proximity to the Salem Veterans Hospital; and

WHEREAS, Commissioner King asked if they would also have a relationship with the Virginia Veterans Care Center that is located east of the VA Hospital; he noted that they have a relationship with the social workers that manage the veterans; and

WHEREAS, Commissioner Robertson asked if they are subject to state inspections periodically; Mr. Cephas noted that they are subject to state inspections, and they are well known for having a well maintained facility; they are also subject to inspections by the Veterans Administration; if they go into the nursing home care, then they are subject to more inspections so they are highly monitored; and

WHEREAS, Vice Chair Thomasson asked what is their business model in terms of costs; Mr. Cephas asked him if he could be more specific, and Mr. Thomasson asked how much do residents pay to enter the facility; Oral Cephas, partner in Judah Land LLC, appeared before the Commission and noted that the business model depends on the resident; they use the state regulations to place the resident in different levels, i.e. assisted, intensive, etc.; this provides them with the cost; if they are assisted, it starts out at \$2,200 a month plus added features of a pharmacy and transportation; if they are intensive, this is about \$2,600 a month; of course, with the new facility they are going to have to increase these figures somewhat to cover the costs; also, the VA actually interviews most of their residents and they determine what the resident can afford to pay; Commissioner Robertson asked if the VA subsidizes any part of the payment, and Oral Cephas noted the VA does subsidize some residents; if they have a tough resident that is very needy and they want to place them in their facility because they are good at what they do, then the VA will find the money for the resident; this is the reason they want this facility because they do not want to be totally dependent on the VA, they want to also bring the community in because they know they are good at what they do; and

WHEREAS, Commissioner Robertson asked if they look for any given mix of residents, whether they are a veteran or a local resident who needs a place; Sherone Cephas noted that they just became a veterans magnet with the VA when they are looking for placement of a veteran; they kind of cater to veterans but they are looking to expand, which is why they want this new facility; and

WHEREAS, Amy Cheney of 1602 Alberta Drive appeared before the Commission; she noted that she and her husband live at this address; she noted that she is a long time resident of Salem – grew up here, went to school here, left for just a short period and then moved back here to raise her family; she agrees that we are a friendly community and we want to continue

to be a friendly community; her purpose for coming tonight is to better understand the rezoning request and what that rezoning could mean to her family and to their neighborhood; she noted that she commends the Cephass family for what they are doing, and it sounds like they have well run facilities; her question though is this the right place for this facility or is there a better alternative; she noted that she had done some research to better understand the rezoning and what it might mean, it is her understanding that the current zoning, Residential Business District, is established to create a walkable, livable residential community with a mixture of residential and nonresidential uses; the Highway Business District intent is for intensive commercial services that are typically found along major transportation arterials that are not appropriate for Residential Business districts; having residences all around these eight parcels concerns her to redistrict it as Highway Business District for a couple of different reasons; one of the reasons is the petitioners have not finalized the sale of the property; if we go through with a rezoning of this property to Highway Business District, then this allows for a lot of permitted uses; she noted they mentioned they are only looking to do this but what happens if the sale does not go through; is there a caveat that none of the other uses could go in to these eight parcels or would it be open for anything to go in there; another concern is the dissimilar purposes for the tracts of land that will share common boundaries; she happens to be one of the homes that is adjacent; she noted that there is only about 22' from the property line to the fire lane around the proposed building, which is not a lot of room; she is also concerned about this facility impacting the value of her home; in speaking with a local realtor, he indicated that there could be a potential negative impact having a facility such as this adjacent to their homes; she is also concerned about the impact on the traffic in this area particularly early in the morning with the two schools and General Electric located nearby; adding another business is going to further impact the congestion; the lighting required for the facility is another concern as it could create light pollution; she also believes that there could be increased foot traffic either from people coming from the bus stop or the residents, and she believes that this could be very dangerous; she is also concerned that the petitioners are trying to use every bit of space that they can and she does not blame them; however, it certainly does not do anything to preserve the green space that is currently there and the aesthetic views that they have; also, they have heard that the property has contaminates in the soil, and she is not sure if this is true; she is concerned about how this will be contained; in addition, if they do decide to move to a nursing care facility later on, this will increase staff which will cause an increase in traffic; her last concern is safety for the residents if they are going to have memory care; she thinks this sounds like a great facility but she just wonders if there might be a better location, and she noted that there is land across the street from the VA hospital; and

WHEREAS, Commissioner King thanked Mrs. Cheney for her research and noted that she

is to be commended; she noted that she was not sure if everyone heard when she specifically asked Sherone Cephas about the letter with the proffered conditions; she noted that they are requesting the rezoning with the proffers attached which means that there will be a buffer yard between the two properties on Alberta Drive and they are also greatly limiting the uses; Mrs. Cheney asked if their purchase does fall through and the property is rezoned would the rezoning come off the table or does it open up the area for any of the other uses permitted in the Highway Business District zoning; and

WHEREAS, Ben Tripp noted that the proffered conditions go with the zoning and run with the land; if this request is approved, the proffers are like promises and are legally binding; in addition, if the petitioners operated there for years and then closed, the proffers would still be in effect, and if they sold the property, it could only be used for those specific uses outlined which are assisted care residence, life care facility and nursing home; and

WHEREAS, Chair Daulton noted if the property is sold later on, the new owners would have to come back before Planning Commission and City Council to make any changes in the uses; and

WHEREAS, Vice Chair Thomasson noted that they are not requesting memory care as one of those uses, and the petitioners indicated that this was correct; and

WHEREAS, Commissioner King asked Mr. Tripp where the bus stop is located in relation to the property, and Mr. Tripp noted that it is right out front across from General Electric; Mrs. Cheney noted that it is right before the Montessori School; and

WHEREAS, Oral Cephas noted if they do decide down the road to have memory care, it would require lock down systems so that the residents cannot get out; this comes with a lot of security behind it; if they have a patient that has a status change, for instance Alzheimer's disease, they will have to have rooms in a locked facility which is specifically required by the state; and

WHEREAS, John Richardson of 1306 Boulevard appeared before the Commission in opposition to the request; he thanked Sherone and Oral Cephas for their service to our country; he understands that veterans need care and they need care badly, but he strongly opposes this project; he knows we need to be good stewards as Salem residents to see our city grow, prosper and maintain, but he wants everyone to understand as a resident on the Boulevard, they already have ten days of the Salem Fair, every ball game at the stadium, they have multi-

family homes on the Boulevard; a big construction project off of Knot Break Road for chemical dependency program was just approved and also more construction for the Montessori school; then we have all the high school kids coming to the Civic Center to graduate; ball games and fireworks every Friday night through the summer; as a city resident, he loves where he lives but we already have enough; but if we continue on, we might as well bulldoze all of the Boulevard and let commercial take it all; his house is his number one investment and he works hard for it and he expects all the others here do the same; he noted that there is property beside the Salem Mobile Home Village for sale – 39 acres – which is closer to the Salem VA Hospital; he noted it would not be threatening someone's property value if this project is put up there; another concern is the traffic from the schools; he pleaded to the Commission to protect the residents; and

WHEREAS, Mary Carr appeared before the Commission; she noted that her husband is James Carr and they reside at 1068 Highland Road; she thanked the petitioners for bringing something forth that would benefit our veterans; she noted that her father was a veteran of World War II, Korea and two tours in Vietnam; so her loyalty to veterans runs very, very deep; however, her loyalty to her community and to the City runs as deep as well; she did a little background checking on a lot of things when the petitioners came around through the neighborhood; one of the questions that she asked was what kind of facility is this going to be, is it going to be a good neighbor; we are going to put veterans in there was the response, and then tonight she hears that it is going to be more than veterans; she has concerns that we have gone from veterans to more than veterans; she has concerns that going forward in the future that it will become something other than what we are expecting tonight; because as we all know if this facility is especially for profit, then they are going to do what they need to do make business; we've all probably been in business and had to hit that bottom line, as she knows she has many times; so whatever she needs to do to hit the bottom line, with in the law of course; so if they need to put a different type of resident in the facility than was originally discussed, then they are probably going to do just that; so she has some concerns; she noted that Sherone Cephas stated that their audits are private, however, if you do online and look at the Department of Social Services, their audits are available; they are audited once a year and over the past year they have had some violations; so she contacted Nancy Hunter, who does their audits, earlier today; she asked her what kind of facilities are these and are they good stewards of the people they care for; she noted that Ms. Hunter said these are good facilities and some of the things on the audit are because the current facilities are old and they need to be updated; Ms. Hunter was not totally aware that they were considering doing this new facility but it would have to be licensed through the state; a couple of concerns that she saw was that there were a couple of incidents with medications and with background checks not being totally

up to par; she thinks that these are things that we need to take a look at and we need to investigate and make sure it is a good fit for this location; she had a conversation with Botetourt County law enforcement about the Cave Creek location, and one of the concerns that they had was that they have had some challenges with the residents walking along Route 11; she is not totally opposed to the facility but she is opposed to it being in the right place with the right folks and she wants to make sure that this is what they want in their community; and

WHEREAS, Elizabeth and Jose Curet of 1600 Alberta Drive, directly adjacent to the proposed facility, appeared before Commission; she noted that her neighbor, Amy Cheney, had covered a lot of their concerns; they are concerned about it being so close to their property – 22' from their property which is not even the width of the room here tonight; there will be a road with parking and because this is the back side of the building, they are kind of guessing dumpsters, deliveries, etc.; the drawing they were shown of the building is lovely but they are not going to be looking at the front of the building; they are going to be having the road, parking, noise, lights, and this is a big concern; in addition, there is the concern of traffic; not only traffic from the cars but from foot traffic; she noted that the Boulevard is not safe for people walking; they feel the facility is going to be a problem; she further questioned about the landscaping buffer, would it be a wall, a high fence, shrubs, etc.; she again noted that it is only 22' to the proposed drive aisle; and

WHEREAS, Chair Daulton noted that the buffer would be trees or shrubs; Mr. Tripp noted that Chair Daulton was correct; he stated that what normally would be required is a Type B buffer yard; there are two options: 1) an eight foot buffer yard with one row of small evergreen trees and a row of evergreen trees; 2) a fifteen foot buffer yard with one row of small evergreen trees; the petitioners have proffered that it will be a Type B or better; so these options would be a minimum; Mrs. Curet noted that if it is shrubbery then it would start out very small and she could be dead before the buffer would block what she is looking at; Mr. Tripp noted the option with the shrubs there would be shrubs and a row of trees, and the other option is a row of trees and a little more land; he noted that the trees are often 6' arborvitae or something similar; he does not know if the applicants have thought about type of trees or shrubs at this point; Chair Daulton noted that the trees and shrubs would have to be a certain height according to the City code; and

WHEREAS, Jose Curet asked how is it that there are two residential properties on this street in the RB Residential Business zoning; how is it that the City of Salem allowed this; Mr. Tripp asked if they built their house, and they noted that they are the original owners; he asked

when the house was built and they noted in 1996; Mr. Tripp noted he thought maybe these two residences may have been part of the Montessori school property in the front on the Boulevard; the RB zoning does include residential uses so it would have been a permitted use at the time the houses were built; Mrs. Curet asked the Commission to give them some consideration in this matter because this is a quiet little street; she noted it will be hard to give up the green space behind them; and

WHEREAS, Glenn Tilley of 1026 Highland Road appeared before the Commission; he noted that he agrees with his neighbors; he noted this project is going to decrease their property value; he believes what the petitioners are doing is a good thing, in fact he retired from the military also; at the same time this is their property that is going to go down in value and like Mrs. Cheney stated earlier there is probably other property in the area that is better suited for this than right in the middle of their residential area; and

WHEREAS, Chair Daulton asked the Executive Secretary if he could explain to the audience the by right laws in Virginia; Jay Taliaferro, Executive Secretary, noted with zoning there are two types of uses, a by right use and a use that you have to ask additional permission to do, which is called a special exception; when we look at say Highway Business, which is the request from the petitioner, this zoning by right allows restaurants, retail, car sales, and various uses like this; but there are also uses that require additional permission for example to have a flea market in Highway Business a petitioner would have to go back to Planning Commission and to City Council and ask for a special exception even though it is zoned correctly; so once a property is rezoned any of those uses are available to the property owner by right and they of course would have to ask for the additional permission for the other uses; in this case, the petitioners are limiting the uses that are by right to three specific uses, i.e. life care facility, assisted care residence, and nursing home; if the property is rezoned with these proffers and the property owner wants to put a restaurant here, then they would have to go back through the same process; they would have to request to remove those proffers; and

WHEREAS, Commissioner King noted if we leave the property zoned as it currently is and we are looking at eight lots, which could presumably be sold to eight buyers, what are the uses that the property could be used for; Mr. Tripp noted that the uses in Residential Business District are accessory apartment, home occupation, emergency manufactured home, residential human care facility, single family dwelling, townhouses, administrative services, cultural services, public parks and recreation areas, religious assembly, general offices, homestay inn, fine arts studio, and there are a couple of miscellaneous use types that would be allowed; and

WHEREAS, Chair Daulton noted that Chuck Van Allman, City Engineer, had mentioned to the Commission earlier that if these eight parcels were sold individually, there could be the possibility of having an entrance on the Boulevard for each parcel; Mr. Van Allman noted that there could be but the City would attempt to see if they could organize some kind of common entrance; however, when you have eight different property owners and they are doing a use by right, the burden is usually put on the city to prove that they cannot have an entrance because otherwise it would be considered a taking; and

WHEREAS, Mark Ayles of Hughes Associates Architects and Engineers, engineer for the project, appeared before the Commission; he noted he wanted to try to address some of the concerns that he heard; he understands that the existing by right developments could be significantly worse than what is being proposed by the petitioners; he noted that one of the reasons this site was chosen was because it has utilities, i.e. water, sewer, gas, and the storm water is relatively accessible; he noted that storm water management is a tough one and a very expensive one; in addition, it is so much easier to deal with the City of Salem – Salem is so business friendly and a great location to work with; also, the citizens are very respectful and courteous even if they do not agree with you, and he noted that he has been to some tough meetings; with regards to the lighting, they cannot by law have light spillage on any of the adjoining properties so they are going to make sure the development does not spill light on the neighbors; also with the new technology with LED lighting, the lighting is so easy to focus and direct; we also need to remember that inside the building will be residents who will be sleeping themselves and the light has to be directed toward this property; so, if the light is going to affect the neighbors then it is going to affect the residents much worse; he noted with regards to the terrain, it is hard to imagine but there is a 30' elevation difference between the front left corner and the back rear corner; this is going to have to be graded out a little bit so the development will be below the neighbors in the back; when they look out onto the property unless they are looking down they will not even see it; they will see the tops as they look out; the building will be residential in nature and the owners are desiring to use brick and stone; the building will be attractive from the front as well as the back; further, they do not intend to hide everything in the back with the refuse because of where the cafeteria and kitchen are located; the garbage will be hidden up front on the side – it will be kept where it has to be maintained and cleaned or otherwise they will not be able to attract residents; with regards to any pollution on the property, if there is a pollution issue, it will have to be mitigated by law; they cannot just ignore a pollution issue; they have not obtained a Phase II environmental assessment which is required by the bank before they transfer the ownership; they have to have a Phase I and a Phase II which is required by the bank before they can get financing; they

do know that some of the ground water may be contaminated but they will not be using ground water; they will be using municipal water and sewer; in addition, they will not be putting anything in the ground or taking anything out of the ground; another concern was staffing – this is highly regulated so they cannot cut back on staff just to meet operating costs; Vice Chair Thomasson noted that the state regulates this, and Mr. Ayles noted that the state and also the Veterans Administration will be looking at this; with regards to the existing facility at Cave Creek, the building is attractive now, but we should have seen it when they purchased it; one of the reasons they want to move was because this building was built as a hotel he believes, and the maintenance costs are phenomenal; so yes, they may be a little behind in maintenance, but it is a maintenance headache on that facility because it is so old; this is why they want to build a state of the art facility to eliminate any concerns with maintenance; an issue was mentioned about the residents walking along Route 11; Route 11 has a significantly higher posted speed limit than what is posted on the Boulevard; also, the owners operate a shuttle service so a lot of the residents will use this service, and one of the benefits of this property is that it is located on the bus route; he understands the City has been working with General Electric with regards to a bus shelter, and the goal is to have bus stop in front of the facility right across from General Electric; with regards to the other infractions with medication and background checks, the owners are well aware of this and have already addressed these issues; as Sherone Cephas noted earlier, they are licensed for two years which is not a common practice as the licenses are usually only for one year; because they do so well on the reviews, the state feels confident to give them a two year license; and

WHEREAS, Sherone Cephas noted that Mr. Ayles had addressed most of the concerns but he just wanted to put a personal touch on some of the concerns; with regards to the traffic, they are concerned about the traffic as well; their business is residential as they are taking care of the elderly who want a home and needs to feel like they are at home; some of the concerns of the neighbors is also a concern for them; they are quiet in nature and not a high traffic business; it is sad to say that most of the residents do not have a lot of family coming to visit them – if they do it is very short lived or the family comes to pick them up and take them out; the residents moving around especially on Route 11 is because they want to go to the convenience stores located nearby; they are aware that they do this, and it is kind of scary, but the residents have a right to go out; this is another reason that this property on the Boulevard will be great because it is on the bus route; they are a for profit business, and they cannot afford to have bright lights, be loud or noisy, etc.; the residents are not dangerous and if they were they would not have them; as far as the memory or lack of memory, they have procedures that are required by state to maintain to make sure they are good neighbors and safe neighbors; with regards to residents, they pride themselves on taking care of veterans, and

does he see them not taking care of vets in the future? No, that is not the case; however, they do not want to tie themselves into their whole population being 100% veterans; they still have a great relationship with the VA hospital and plan to continue that relationship; and as a matter of fact, this is another reason why they chose this location; they do not want to turn down a resident just because they are not a veteran; he is glad that Mrs. Carr did her research with regards to the violations; as far as the audits, it would be an awesome thing to say that they had zero write-ups, but they have had a few write-ups here or there; in their opinion, some of those things were easily resolved, and it still gave them overall high marks; further, they have never had a suspension or had to have the state inspectors come back on a violation; regarding the maintenance issue, this is one of the reasons why they are here at this meeting; they have two very old buildings which are becoming unattractive and they are a for profit business; so their job is to have an attractive facility but the costs have become too high especially at the facility in Troutville; noise and congestion – if he cannot keep the noise down, then he is losing residents; as he stated earlier, they blend in with the community at Magnolia Ridge, no one knows they are there; when they call a plumber or someone from the City, they literally get lost; their main focus with this project is to make sure that they blend in with the community, and they want to present their building as such; and

WHEREAS, Amy Cheney noted that should the petitioners become part of the neighborhood, they are neighborly and will be good neighbors; as Mr. Cephas noted they are for profit and she is for profit, too; it really concerns her the property value of her home and the potential to lose 7 to 12 % of the value of her home which could equate to more than \$20,000; so she wants to make sure it is a good marriage for everyone; her goal in coming here is to make sure that we have something that is going to benefit everyone in the community; and while she thinks they are doing a great thing, she supports it and commends the effort they are putting forth, but she is not certain that this is the best for her being 22' from her property line; and

WHEREAS, Nathan Rigney of 1044 Highland Road appeared before the Commission; he noted that they are located behind the proposed project, and it was highlighted on the plans that there will be some grading in the area; a lot of children play in their back yard, and it could be very dangerous for a lot of children to be playing close to an edge or something leading to the back of their building; he would hate to see a child fall and hurt themselves because of the grading and the ledge; also, it would be terrible for the kids who play in that area to have to play in a smaller area and have to look at something like a building even if it is a very good looking building, it still would quarter off their playing area and be dangerous for them; and

WHEREAS, Commissioner King asked Mr. Rigney if his property abuts this property, and Mr. Rigney stated he believed so; Mrs. King noted that she was looking at the adjoining property owners list and she did not see his name; he noted that he is not the property owner; Mrs. King asked if he knew who owns the property, and Mr. Rigney noted that Hong Lao owns the property; and

WHEREAS, Lisa Rhudy of 1076 Highland Road appeared before the Commission; she noted that she lives at the intersection of Highland Road and Campbell Street; she noted the amount of traffic that roars through their neighborhood in the morning and afternoon from people cutting through so they do not have to go through the light at Hardees is phenomenal; she knows that there is a guardrail at the end of Highland Road to keep people from going that direction; she is concerned that this property is going to have a connection to Highland Road so that people who want to go the other direction do not have to worry about crossing on the Boulevard; this way they could go up Highland and go out at the light at the bank and Hardees; she just wants to make sure that this is a consideration as it would greatly increase the traffic on their street; and

WHEREAS, Chair Daulton noted that this would be something that would be addressed in a site plan review, if the request is approved and does move forward; she further noted that the owners cannot deviate from the site plan; and

WHEREAS, Commissioner Carter noted as far as traffic is concerned, he has a friend who is in a similar facility and he goes to sit with him some; the facility where he goes is probably bigger than this this one and it is not heavily traveled; people who are there are there all the time, and the visitors do not seem to come at rush hour; he feels that the neighborhood could end up with a whole lot worse traffic problems if the property were developed for some of the other uses mentioned than this type of facility as far as vehicle travel; Mrs. Rhudy noted there is certainly the potential, and she just wanted to make sure that it was being considered; and

WHEREAS, Natalie Rigney of 1044 Highland Road, which belongs to mother, Hong Lao, appeared before the Commission; she noted that she has one concern; it was noted that they wanted to keep the area quiet, but on the weekends when there is a football or baseball game you can hear everything from that area; she thinks the noise will bother the residents in the facility more than it bothers her; and

WHEREAS, Elizabeth Curet appeared and noted that the petitioners had told them at the community meeting a couple of weeks ago that if the request is approved that they would not

be starting construction until 2017 or 2018 and it would take 1 to 1 ½ years to complete the project; so during this time they are going to be listening to noise, trucks, construction vehicles, etc. and this is going to add a lot of congestion; also, there will be garbage; obviously it will take time but they are going to have to look at this for 1 to 1 ½ years; and

WHEREAS, Chair Daulton noted that the Planning Commission is a recommending body only, and their recommendation will move forward to City Council; further, regarding the construction, it would have to be done during daylight hours and would not be a 24 hour project; Mrs. Curet noted that it still adds to all the noise and congestion of vehicles traveling in this area; Mrs. Daulton noted that the property is currently zoned as Residential Business and there are far worse uses that could go on the property; again, she noted that they are a recommending body only and their recommendation will go to City Council and City Council will have the final vote; and

WHEREAS, John Richardson appeared and noted he had a question after hearing other people talk; with heavy equipment coming in and out hauling concrete, steel or whatever with the current traffic situation and the main entrance of General Electric there, are we going to need another traffic light; he believes that we are going to need another traffic light to keep people alive; this is going to change the traffic patterns, etc.; Chuck Van Allman noted that it is a little early in the process but he does not believe the warrants are there for another traffic light; the VDOT warrants are not there; Vice Chair Thomasson asked if this is a VDOT issue, and Mr. Van Allman noted that VDOT has criteria that they follow to determine if a light is required or recommended for an intersection; he further discussed the information related to the warrants for a traffic light;

ON MOTION MADE BY COMMISSIONER CARTER, SECONDED BY COMMISSIONER KING, 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 Judah Land LLC, contract purchaser, General Electric Company, property owner, for rezoning eight parcels located in the 1500 block of Boulevard-Roanoke (Tax Map #s 221-3-8, 9, 10, 11, 12, 13 & 14 and 222-1-1) from RB Residential Business to HBD Highway Business District be approved with the following voluntarily proffered conditions: 1) Type B or better buffer yard will be installed between the two adjacent residential parcels to the east, Tax Map # 222-1-2.1 and 222-2-2.2 and 2) the use of the property will be limited to the following uses: assisted care residence, life care facility and nursing home
– the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 8:20 p.m.

Executive Secretary

Chair