

UNAPPROVED MINUTES  
PLANNING COMMISSION

July 13, 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 July 13, 2016, there being present the following members of said Commission, to wit: Bruce N. Thomasson, Jimmy W. Robertson, and Denise P. King (Vicki G. Daulton and Samuel R. Carter, III – 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; Charles E. Van Allman, Jr., Director of Community Development; Benjamin W. Tripp, Planner; Mary Ellen Wines, Zoning Administrator; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The June 15, 2016, work session and regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of J E Home Solutions Inc., property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 318 White Street (Tax Map # 144-2-22)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of J E Home Solutions Inc., property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 318 White Street (Tax Map # 144-2-22); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the June 30, and July 7, 2016, issues of the Salem Times Register and adjoining property owners were notified by letter mailed June 30, 2016; and

WHEREAS, staff noted the following: the subject property consists of one parcel of about .13 acres; it is located on the east side of White Street, north of the intersection with West 2<sup>nd</sup> Street; the building is currently vacant but was constructed as a single family residence; at some point in the past, the house was converted for two units, but this use was never approved; it has been vacant for more than two years and so any grandfathering of the two family dwelling use has ceased; the applicant has purchased the property and would like to use both units; and the applicant has been informed about the need to install a fire wall separation between the two units and has agreed to do so, which is a requirement of the building code; and

WHEREAS, Justin Enquist of J E Home Solutions Inc., property owner, appeared before the Commission explaining the Special Exception Permit request; he noted that he had just purchased this property recently; he stated that his intentions were to restore the property to what it looked like it was being used for – it was already divided as a two family dwelling; he noted that the upper and lower levels each has its own kitchen, bathroom, electrical and gas meters; so he had purchased it to fix it up and bring it back to a useable rental property for two families; his company does a lot of restoration of homes to sell; he state he had a picture of the home if the Commission would like to see what has been done to the home already; they have put a lot of money into it, such a new heating and cooling systems, trying to make it safer, etc.; he noted that they had cleaned up the property as it basically had been an eyesore on the street; he presented pictures to the Commission showing what it looked like before and what it looks like now; and

WHEREAS, Commissioner King noted that she had visited the property and while she was there one of the neighbors came out; she said the only thing that concerned her initially was the idea of having a duplex on a street where there are only single family residences; so when she noticed the gentleman across the street, she went over and introduced herself and asked him if he was aware of the zoning hearing and what his thoughts were; she noted that the neighbor could not have been more positive about Mr. Enquist; Mr. Enquist noted that he was glad to hear this; she noted that he has said all the neighbors were aware of the request and that they had watched and seen all the work that he had put into the property, and that they were absolutely in favor of the request; she stated that she wanted Mr. Enquist to know this; Mr. Enquist noted that he was glad to hear this; he stated that the gentleman who was there at the meeting is one of the other neighbors right next to the dwelling; he noted that the gentleman's daughter had previously owned the house and lost it; he stated that the gentleman is in favor of the request and has asked him to put a fence up between the back yards; he noted that he has agreed to do this and wrote an agreement stating he will put a fence up from the alley to the deck on the side of the house; and

WHEREAS, the Commission members noted that he has done a nice job with the property; Mr. Enquist noted that he really appreciates their comments; and

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

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 J E Home Solutions Inc., property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 318 White Street (Tax Map # 144-2-22) be approved – the roll call vote: all present - aye.

WHEREAS, the Executive Secretary asked the Commission if they would like to consider reading the next five items on the agenda together given the fact that no one was in attendance to participate in a public hearing; further, the items will probably still need to be voted on as individual items; the Commission noted that this would be acceptable; and

In re: Hold public hearing to consider amending Chapter 106, Zoning, Article II District Regulations, Section 106-218.2.(B)(5) and Section 106-220.2.(B)(5) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Automobile Rental/Leasing in LM Light Manufacturing and in HM Heavy Manufacturing Districts; Article III Use & Design Standards, Section 106-304.9.(A)(2) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to manufactured home parks; Article IV Development Standards, Section 106-402.3.Table 1 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to buffer yards in the Residential Business District and College and University District; and Article IV Development Standards, Section 106-402.17.(A)(B) & (D) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to maintenance of landscaping

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Zoning, Article II District Regulations, Section 106-218.2.(B)(5) and Section 106-220.2.(B)(5) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Automobile Rental/Leasing in LM Light Manufacturing and in HM Heavy Manufacturing Districts; Article III Use & Design Standards, Section 106-304.9.(A)(2) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to manufactured home parks; Article IV Development Standards, Section 106-402.3.Table 1 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to buffer yards in the Residential Business District and College and University District; and Article IV Development Standards, Section 106-402.17.(A)(B) & (D) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to maintenance of landscaping; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the June 30, and July 7, 2016 issues of the Salem Times Register; and

WHEREAS, staff noted the following: this request is to enact and amend Chapter 106, Article II District Regulations, Section 106-218.2.(B)(5) and Section 106-220.2.(B)(5) of the CODE

OF THE CITY OF SALEM, VIRGINIA pertaining to Automobile Rental/Leasing in LM Light Manufacturing and in HM Heavy Manufacturing Districts; Article III Use & Design Standards, Section 106-304.9.(A)(2) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to manufactured home parks; Article IV Development Standards, Section 106-402.3.Table 1 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to buffer yards in the Residential Business District and College and University District; and Article IV Development Standards, Section 106-402.17.(A)(B) & (D) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to maintenance of landscaping; and

WHEREAS, no other person(s) was/were present related to said request;

ON MOTION MADE BY COMMISSIONER ROBERTSON, 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 Chapter 106, Zoning, Article II District Regulations, Section 106-218.2.(B)(5) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Automobile Rental/Leasing in LM Light Manufacturing District be amended as follows:

#### ARTICLE II DISTRICT REGULATIONS

##### **Sec. 106-218. - LM—Light manufacturing district.**

##### **Sec. 106-218.1. - Statement of intent.**

The LM Light Manufacturing District is created to establish and preserve areas within the city that are suitable for business and light industrial uses. LM Light Manufacturing districts are the location of a significant portion of the city's employment base. The district allows a wide variety of industrial and warehouse uses and activities that occur primarily within enclosed structures, with minimal or no environmental impacts associated with smoke, odor, and noise.

##### **Sec. 106-218.2. - Permitted uses.**

(B) The following uses are permitted by special exception in the LM Light Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards.

1. *Agricultural Use Types*

(None)

2. *Residential Use Types*

(None)

3. *Civic Use Types*

(None)

4. *Office Use Types*

(None)

5. *Commercial Use Types*

Athletic Instruction Services  
**Automobile Rental/Leasing**

6. *Industrial Use Types*

Asphalt Plant \*  
Industry Type II  
Landfill, Construction Debris  
Landfill, Rubble  
Landfill, Sanitary  
Meat Packing and Related Industries  
Railroad Facilities  
Resource Extraction  
Scrap and Salvage Services

-- the roll call vote: all present – aye.

ON MOTION MADE BY COMMISSIONER ROBERTSON, 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 Chapter 106, Zoning, Article II District Regulations, Section 106-220.2.(B)(5) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Automobile Rental/Leasing in HM Heavy Manufacturing District be amended as follows:

ARTICLE II DISTRICT REGULATIONS

**Sec. 106-220. - HM—Heavy manufacturing district.**

**Sec. 106-220.1. - Statement of intent.**

The HM Heavy Manufacturing District is created to establish and preserve areas within the city that are suitable for business and more intensive industrial uses. The district allows a wide variety of intensive industrial and warehouse uses. Manufacturing activities and uses within the

district occur primarily within enclosed structures, but uses have significant outdoor storage needs.

**Sec. 106-220.2. - Permitted uses.**

(B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards.

1. *Agricultural Use Types*

(None)

2. *Residential Use Types*

(None)

3. *Civic Use Types*

(None)

4. *Office Use Types*

(None)

5. *Commercial Use Types*

Athletic Instruction Services

Automobile Rental/Leasing

Recreational Vehicle Sales and Service \*

6. *Industrial Use Types*

Industry Type III

Landfill, Construction Debris

Landfill, Rubble

Landfill, Sanitary

Resource Extraction

Scrap and Salvage Services

7. *Miscellaneous Use Types*

Aviation Facilities

Tower \*

-- the roll call vote: all present – aye.

ON MOTION MADE BY COMMISSIONER ROBERTSON, 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 Chapter 106, Zoning, Article III Use & Design Standards, Section 106-304.9.(A)(2) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to manufactured home parks be amended as follows:

#### ARTICLE III USE AND DESIGN STANDARDS

##### **Sec. 106-304.9. - Manufactured home park.**

*(A) Approval Process:*

1. Manufactured home parks shall only be allowed in Manufactured Home Park Districts (MHP).
2. ~~Applicants wishing to develop a new manufactured home park or expand an existing park shall request an amendment to the official zoning map pursuant to the provisions of this chapter.~~ All requests for MHP districts shall be considered conditional rezoning requests **and shall require an amendment to the official zoning map pursuant to the provisions of this chapter.**
3. If Council approves a new or expanded MHP district the applicant shall submit a site plan in accordance with section 106-400 of this chapter. The submitted site plan shall be approved by the city prior to commencing development of the park.

-- the roll call vote: all present – aye.

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 Chapter 106, Zoning, Article IV Development Standards, Section 106-402.3. Table 1 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to buffer yards in the Residential Business District and College and University District be amended as follows:

#### ARTICLE IV DEVELOPMENT STANDARDS

##### **Sec. 106-402.3. - Buffer yards.**

- (A) Buffer yards containing specified screening and plantings shall be required between zoning districts of different intensities as shown in Table 1. For each required buffer type, the developer of the site shall choose which option to install. Buffer yards shall be installed in the higher intensity zoning district.

- (B) Required buffer yards shall be located such that they provide a visual and physical barrier between abutting zoning districts of different intensities and shall buffer and screen all exterior storage, service, refuse, maintenance, repair, processing, salvage, parking, and other similar areas. No use of the site may be extended beyond the required buffer yard.
- (C) Required buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way, shall not obstruct the visibility of traffic circulation, and shall not interfere with the use of adjoining properties.

Table 1	Adjoining Zoning												
	AG	RSF	RMF	MHP	RB	DBD	TBD	HBD	BCD	LM	HM	CUD	PUD
Site Zoning	Category of Buffer Yard Required												
RMF	B	B	*	*	*	*	*	*	*	*	*	*	B
MHP	B	B	B	*	B	*	*	*	*	*	*	B	B
RB	B	B	B	B	*	*	*	*	*	*	*	*	*
DBD	B	B	B	B	<b>B</b>	*	*	*	*	*	*	*	B
TBD	B	B	B	B	<b>B</b>	*	*	*	*	*	*	*	B
HBD	B	B	B	B	<b>B</b>	*	*	*	*	*	*	B	B
BCD	B	B	B	B	<b>B</b>	*	*	*	*	*	*	B	B
LM	C	C	C	C	A	A	A	A	A	*	*	C	C
HM	C	C	C	C	A	A	A	A	A	*	*	C	C
CUD	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	B <sup>+</sup>	*	*
PUD	*	*	*	*	*	*	*	*	*	*	*	*	*

Type of Buffer Yard	Option 1	Option 2
A	Six-foot screening	Five-foot buffer yard, one row of evergreen shrubs
B	Eight-foot buffer yard, one row of small evergreen trees, one row of evergreen shrubs	15-foot buffer yard, one row of small evergreen trees
C	15-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees	25-foot buffer yard, one row of large evergreen trees

~~<sup>+</sup> Buffering and screening within the CUD shall only be required for industrial use types.~~

-- the roll call vote: all present – aye.

ON MOTION MADE BY COMMISSIONER ROBERTSON, 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 Chapter 106, Zoning, Article IV Development Standards, Section 106-402.17.(A)(B) & (D) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to maintenance of landscaping be amended as follows:

#### ARTICLE IV DEVELOPMENT STANDARDS

##### **Sec. 106-402.17. - Maintenance of landscaping.**

- A. The owner, tenant and their agents, if any, shall be jointly and severally responsible for the maintenance of all provided landscaping **required by this chapter, or under the terms of any other development approvals, or shown on an approved site plan.** All landscaped areas shall be kept free from refuse and debris and in good condition so as to present a healthy, neat and orderly appearance. **Failure to maintain such landscaping shall be deemed a violation of this chapter.**
- B. All landscaped areas shall be provided with a readily available water supply with at least one outlet located within 150 feet of all planted areas. Drip-type **or similar automatic** irrigation systems are ~~encouraged.~~ **required for sites over 1 acre.**
- C. All required or provided trees, shrubs, ground covers and other plant materials must be replaced during the first opportune planting season if they die or become unhealthy because of accidents, drainage problems, disease or other causes.
- D. **In the event that any required landscaping material shown on the plan is subsequently replaced, the new material shall generally conform to the original approved landscape plan, or an approved amended plan, with respect to size and characteristics of the plantings. In applying this provision, the degree and manner in which the existing landscaping on the site has grown and matured shall be taken into consideration.**
- E. Trees shall not be trimmed or topped so that advertisement signs may be visible. Trees shall instead be allowed to grow and at the appropriate time, the crown may be lifted.

-- the roll call vote: all present – aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:11 p.m.

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Executive Secretary

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Chair