

UNAPPROVED MINUTES
PLANNING COMMISSION

October 15, 2014

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 October 15, 2014, 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; Melinda J. Payne, Director of Planning and Development; William L. Simpson, Jr., Assistant 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 BY COMMISSIONER ROBERTSON, SECONDED BY VICE CHAIR THOMASSON AND DULY CARRIED, the minutes of the regular meeting and work session held on September 10, 2014, were approved as written – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Michael L. and Vicki L. Akers, property owners, for the issuance of a Special Exception Permit to allow an accessory structure in excess of 1,000 square feet on the property located at 1343 Waldheim Road (Tax Map #23-1-14)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Michael L. and Vicki L. Akers, property owners, for the issuance of a Special Exception Permit to allow an accessory structure in excess of 1,000 square feet on the property located at 1343 Waldheim Road (Tax Map # 23-1-14); 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, staff noted the following: the subject property consists of one parcel of approximately 3.24 acres and is located on the west side of Waldheim Road; the property is currently a single family dwelling, and the request is for a Special Exception Permit to allow an accessory structure in excess of 1,000 square feet; the petitioners' wish to add a 2,200 square foot detached garage consisting of 30' x 44' garage and a 20' x 44' unfinished storage

loft; and

WHEREAS, Robert Rigatti of Structures of Roanoke, contractor representing the property owner, appeared before the Commission explaining the Special Exception Permit request; he noted that Mike Akers, the property owner, was in attendance at the meeting; he noted that the Akers would like to construct a 44' X 30' garage with room truss which creates a storage/attic space; the proposed building will be single story and built in the same style as the house, i.e., same brick, shingles, detail, soffit work, color, etc.; he noted that they have about 3 ½ acres of land and is mostly wooded on the left and across the back; he presented a picture showing the layout of the house on the lot and further discussed the project; and

WHEREAS, Commissioner Robertson asked if there a special need for the proposed structure as he had noted there is a sizeable garage with the house; and

WHEREAS, Michael Akers, property owner, appeared before the Commission in support of the request; he noted that they have a couple extra vehicles, and they have run out of space in the existing garage; and in addition, since he has retired, this will be his toy shed; and

WHEREAS, Commissioner Carter noted that if property in Salem looked like his property, it would definitely be a better place; and

ON MOTION MADE BY COMMISSIONER KING, SECONDED BY COMMISSIONER CARTER, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Michael L. and Vickie L. Akers, property owners, for the issuance of a Special Exception Permit to allow an accessory structure in excess of 1,000 square feet on the property located at 1343 Waldheim Road (Tax Map # 23-1-14) be approved – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Colorado Street Co., LLC, property owner, and Blue Lotus, lessee, for the issuance of a Special Exception Permit to allow the following commercial use types: retail sales on the property located at 628/630 S. Colorado Street (Tax Map #160-6-7)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Colorado Street Co., LLC, property owner, and Blue Lotus, lessee, for the issuance of a Special Exception Permit to allow the following

commercial use types: retail sales on the property located at 628/630 S. Colorado Street (Tax Map #160-6-7); 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, staff noted the following: the subject property consists of one parcel of approximately .258 acres and is located on the east side of South Colorado; the property is occupied by a one-story wooden office building and an accessory structure; the request is for a Special Exception Permit to allow the following commercial use types: retail sales; the lessee, Christinia Davie, has been operating Blue Lotus Tattoo from this location for several years and would like to add retail sales in the form of clothing items; and the retail portion of the business will be offered from within the accessory structure; and

WHEREAS, Matt Davie of 4990 Sidney Church Road, Riner, lessee, appeared before the Commission explaining the Special Exception Permit request; he noted that behind the current business, Blue Lotus Tattoo, there is a garage which is part of the lease; he and his wife would like to take advantage of the building and use it for something more than storage; they would like to open a retail shop with clothing and other items; and

WHEREAS, Vice Chair Thomasson asked if it would be consignment clothing, and Mr. Davie noted that the items would be new; Mr. Thomasson asked if it would be like t-shirts, etc.; Mr. Davie noted that the store would be somewhat like Spencer's Gifts, i.e. clothing, jewelry, belts, bracelets, etc.; and

WHEREAS, Commissioner Robertson asked about signage for the new business; Mr. Davie noted that there would be a sign according to what is granted; Commissioner Carter noted he should check with City staff before he purchases one, and Mr. Davie noted he would check with staff; and

WHEREAS, Commissioner King asked what the business hours would be; Mr. Davie noted that the business would be open the same hours the tattoo shop is open; through the summer and winter they are open Tuesday through Friday from 12 noon until 10 pm; Saturday from 10 am to 7 pm, and closed Sunday and Monday; and

WHEREAS, Commissioner King noted that when she was by the property she noticed there are some lined parking spaces; she asked if they intended to line more spaces or is that up to the property owner; Mr. Davie noted that the property owner recently had

the spaces relined and they had not planned on lining additional spaces, but if it is necessary, then they will be glad to add more spaces; further, Mr. Davie noted that he had spoken with the Building Official and discussed permits, etc. that will be necessary to finish out the building; and

WHEREAS, Chair Daulton asked if they planned additional lighting since they are open so late in the evenings and it is dark at 10 p.m. even in the summer; Mr. Davie noted that he thought they would install a dusk to dawn light as his wife has wanted one for extra lighting in the parking lot; he also plans to close in the garage door and make it a permanent wall; and they also plan to install a handicapped ramp; and

WHEREAS, Chair Daulton asked if there was a need for restroom facilities in this building or would they be able to use the ones in the building in the front; Mr. Taliaferro noted that staff would need to talk to the Building Official about this; Mr. Davie noted that he cleared this up with the Building Official and since they will be running both businesses, he would let it go without restrooms; Commissioner King asked if this was because there are restrooms in the main building, and Mr. Davie noted that this was correct; and

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

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER KING, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Colorado Street Co., LLC, property owner, and Blue Lotus, lessee, for the issuance of a Special Exception Permit to allow the following commercial use types: retail sales on the property located at 628/630 S. Colorado Street (Tax Map #160-6-7) be approved – the roll call vote: all aye.

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

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 & 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; 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, 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; this proposal would allow the construction of a single multi-family building containing 10 two-bedroom apartments and 2 one-bedroom apartments; the plan includes the construction of a parking lot for the use of residents and guests; in accordance with Section 106-400, this project requires the submittal of a Site Plan prior to development commencing; and

WHEREAS, Barney Horrell of Brushy Mountain Engineering, 3555 Carvins Cove Road, Salem, representing the property owner, appeared before the Commission explaining the rezoning request; he noted he thought the Commission had a copy of the site plan and also a rendering of the building in their packets; he noted that there are two adjoining residential parcels, which will be combined into one parcel; the property owner would like to construct a single apartment building with twelve units, ten two-bedroom units and two one-bedroom units; the project complies with the square footage requirement for the property as well as the setbacks; the plan submitted is a preliminary one so there are some additional details that will be worked out with regards to landscaping, number of trees, etc.; at this point, they are requesting the rezoning before moving forward with the engineering plans; he noted on the map on the wall that a good deal of the properties to the southwest direction of this parcel are zoned RMF Residential Multi-Family zoning; so, this would not be a spot rezoning; the remainder of the properties to the north are RSF Residential Single Family; and

WHEREAS, Vice Chair Thomasson noted that the proximity to Roanoke College lends itself to the potential of student renters; he asked if this was something they were pursuing or thought about; Mr. Horrell noted the property owner had thought about this but since student housing is very seasonal and shorter term, and the desire would be not to have the turnover if possible; of course, the owner cannot screen out or prevent people from renting, but the preference would be to have renters who stay long term; and

WHEREAS, Commissioner King noted the storm water management area is shown on the front of the property along Craig Avenue; she asked if he knew how or where this will tie in; Mr. Horrell noted that there is not any storm sewer piping in this area; with the

new storm water regulations that have come into effect, the amount of water that can be released from the site has been greatly reduced; the layout before the Commission is about the third iteration between the owner and himself trying to figure a way to deal with the storm water; the hope is that where the proposed building sits on the site will be the high point of the site as the property is graded; the plan is to sheet flow the storm water from the roof and parking lot across the parking lot; they are proposing to use brick pavers in the front parking spaces to get as much of the water to soak into the ground as possible; Commissioner Carter asked about the rear of the property; Mr. Horrell noted that there are some trees along the back and along one side; the trees would be preserved and these would be supplemented with a couple of new plantings; the back area is grass and it will remain this way; Commissioner Carter asked if he thought this was sufficient to take care of the storm water, and he noted it looked like there was a swale built in this area; Mr. Horrell noted that it drains back to a paper alley in the rear and he is not aware of storm sewer in this alley; it does not appear that would be a good route to run storm sewer so this is why they are trying to push it out to Craig Avenue; and

WHEREAS, Commissioner Robertson asked about the parking for the proposed development; he noted that he thought there 12 spaces on the plan; Mr. Horrell noted that there are 24 spaces (2 per unit) provided on the plan – the brick pavers in the front are included in the count; and

WHEREAS, Vice Chair Thomasson asked Will Simpson what were his thoughts about the storm water management being proposed; Mr. Simpson noted that they would have to see plans and calculations before they could make a determination, and of course, it has to meet State standards of discharging into an adequate channel; he further noted that the less they disturb, the better for storm water management; he believes that Mr. Horrell is on the right track with the brick pavers, etc.; Mr. Horrell noted that it is a tight site; and

WHEREAS, George H. Clemons of 935 Craig Avenue appeared before the Commission in opposition to the rezoning request; he noted that he has been a resident of Salem since he built his home approximately 40 years ago; his home is approximately one tenth of a mile from the property, and he lives on the same side of the street; he requested the Commission deny the request for three reasons; the first is the natural resource – water; second is the traffic; and the third one is human living space; when he built his home on Craig Avenue his water intake was approximately 4 gallons a minute; now it takes him 4 minutes to get a gallon; he does not have enough water pressure to run his lawn sprinklers in the summer; if we are going to add the pressure of a number of units where each unit is going to require the use of water, it is going to be a strain if at all for the City of Salem to

maintain that type of water pressure; he noted that he lived in the area when they used to have septic tanks; when they finally got sewer lines on Craig Avenue, it was such a dangerous thing because they had to put steel shields along the side of the highway to keep the earth from caving in; now, if we are going to bring this many units to this piece of property, it is going to require extensive work from the City to provide the sewer; with regards to traffic, each unit in this building is going to require an automobile; looking at the drawing that was submitted, there is only one entrance and exit for this property; this property sets at the top of a hill in a blind curve; he noted he thought the Commission should visit the property to see for themselves; there is only one way in and one way out, which is Craig Avenue; lastly, he read something one time that said that every human being needs space for wholesome living; if we are going to put five, ten or fifteen apartments in this one small place, large numbers of people and small amount of space is potentially trouble coming and going; he knows the Commission has a tremendous task, but he is asking that the Commission considers water, sewage, traffic and living space; he requested the

Commission consider the potential of the request and deny it; in addition, he presented a petition signed by residents in this area of Craig Avenue; and

WHEREAS, Theresa Shepherd of 840 Craig Avenue appeared before the Commission in opposition to the request; she noted that she wanted to reiterate the comments made by Mr. Clemons; the road is very narrow, and she invited the Commission to visit the property; she also noted that the multi-units that were mentioned by Mr. Horrell are not multi-units, they are townhouses; further, they are not rented but are purchased; so, there are no apartments on the adjacent property; she believes that this request will cause a lot of confusion, a lot of traffic problems, a potential for more crime, and a great potential for the college students; she further discussed the college students, and their lack of respect for properties; she noted her house is well over \$250,000, and she does not want her property to be denigrated by an apartment building that she knows will not be taken care of; and

WHEREAS, Wendy Brewer of 817 Craig Avenue, adjacent to the proposed project, appeared before the Commission in opposition to the request; she noted that she does not feel like it is enough space, and they do not need the additional traffic on Craig Avenue; further, she works the night shift, and it will be a problem for her with the construction and having to listen to whatever type of people will be renting the apartments; she noted that she wanted to know if the project would be HUD funded or if they would be rented to college students; she feels she needs more information, and she does not feel this building should be

constructed on this piece of property; Commission Member King asked if she resides at 817 Craig Avenue and Ms. Brewer noted that she resides at this address; Commissioner Robertson asked how long she has lived there, and she noted since 1997; Ms. Brewer noted that it has been nice and peaceful and quiet in this neighborhood until the college students come around; since she works the midnight shift, she has always had a fear of hitting one of the drunk college students walking up and down Craig Avenue when she travels to work; and

WHEREAS, Fred Lee of 1000 Craig Avenue appeared before the Commission in opposition to the request and noted that he echoes all the comments made before him; he noted that approximately 15 years ago he formed a neighborhood watch on Craig Avenue, and he has been part of the Roanoke College Taskforce; they do not need a 12-unit apartment building on this hill; if we have 12 units here with college students then there will be at least 36 vehicles on this lot; there is not room for it; further, there is a dangerous curve on this hill; the proposed development will degrade the existing properties; they do not need any more red cups or any more disturbances than they already have; and

WHEREAS, William Shepherd of 840 Craig Avenue appeared before the Commission in opposition to the request; he and his wife have lived here since 1968 and when they moved here there was no cable vision and nothing but trees all around; so in a sense, he thought they were pioneers; it is nice that the area has developed into single family dwelling units; there are no sidewalks, and as has previously been stated, the curve is dangerous; he has been run into the ditch by a deer so what would it be if someone was coming through here in a car; the Commission really needs to take all this into consideration, and ask themselves if they would want this building where they live; we do not want it where we live; we have a nice peaceful quiet neighborhood with the exception of college kids walking up and down the street at 3 o'clock in the morning; no one knows what kind of tenants the property owner will have for the building; further, the traffic on the street is already bad and imagine what it would be like for the people coming out of this property on the blind curve; he noted he wanted to implore the Commission to deny the request and let them live in peace; and

WHEREAS, Margaret Spurlock of 845 Craig Avenue appeared in opposition to the request; she noted she is in support of everything her neighbors have said; with regards to the storm water runoff, there is no runoff where she lives on Rose Lane; when it rains, all the water runs down to a drain in the back of her house that is coming in off of Thompson Memorial Drive; a lot of time the water just stands in the woods in front of her house until it dries out; she further discussed traffic on the street; and

WHEREAS, Commissioner King asked Mr. Simpson if the City has any plans to widen Craig Avenue at this time, and Mr. Simpson noted there are no plans; Mrs. King asked if there were any plans for sidewalks, and Mr. Simpson noted there are no plans at this time; and

WHEREAS, Vice Chair Thomasson asked staff with regards to the issue of water pressure, if this was consistent in the area; Mr. Taliaferro noted that he was not aware of any water pressure issues in this area, but he would check with the Water Department and find out if they were aware of any; and

WHEREAS, Commissioner King asked Mr. Horrell about the question regarding the entrance/exit in the blind curve; Mr. Horrell noted that they have moved the driveway as far away from the curve as they could while still allowing for the buffer yard between this property and the adjacent residential single family; he noted there is an existing driveway on the property but the proposed driveway will be quite a bit north of this location; Commissioner King asked about the funding for the project because the question had been asked about HUD funding, and Mr. Horrell noted that the project would be privately funded and financed; and

WHEREAS, Mr. Horrell noted that he owed Ms. Brewer an apology because he misspoke when he said he thought the residence immediately north of this property was rental property; he did not realize that she resided at the property; and

WHEREAS, Commissioner King asked if the request could be tabled until the questions have been answered regarding water and sewer; Mr. Taliaferro and Mr. Maxwell noted that it could be tabled; and

WHEREAS, there was some discussion with regards to tabling versus continuing the item, and Commissioner King noted that she meant continue rather than table the item; Mr. Horrell asked exactly what are we trying to find out about the water and sewer; Commissioner King noted the Commission needs to know about the potential problems that may already exist in this area with regards to water pressure and sewer capacity; Mr. Horrell noted that this sounded ok; and

WHEREAS, Chair Daulton noted before a motion is made to continue the item, she wanted to preface it by saying that the Commission is only a recommending body so this will go before City Council whether the recommendation for continuing is approved tonight or if it goes another month; and

WHEREAS, Theresa Shepherd noted she would like to know what this means to her and her neighbors as residents of Salem; they have presented the signed petition to the Commission; she asked since the item is being continued, do they have the opportunity to take the petition back and get more signatures because she knows of several that did not have the opportunity to sign it; several Commission members stated that she could take the petition and get more signatures; she also asked why the Commission is proposing to continue the item with regards to the water and sewer; Vice Chair Thomasson noted that there are legitimate concerns about adding the proposed development, if there are water or sewer issues currently; they want to make sure this is addressed with the City before the Commission approves or denies the request to move forward with the complex; Mrs. Shepherd noted that if she understood Mrs. Daulton correctly, the Commission is a recommending body, and Mrs. Daulton noted this was right; there was further discussion regarding when this would go before City Council; it was noted that if the item is continued this evening, then it would go to City Council on the 4th Monday in November; and

WHEREAS, Commission Member Robertson noted that they are going to look at a couple of items that are really gray, and he has to be honest with the entire group that he has questions about the proposed project so they are not voting yes or no this evening because they want to have a little more information on a couple of serious issues; Mrs. Shepherd noted they are tax paying citizens and she asked if the Commission could out vote them; Assistant City Attorney Maxwell noted that the Commission can out vote them; he further noted that the Commission is proposing to continue the public hearing, and they will have another hearing next month; that meeting will be open to the public and anyone who would like to speak at that meeting will be able to speak, present anything new, etc.; the Commission is saying they have questions that they would like answered before they vote; when they vote, they are simply making a recommendation to City Council; when Council makes their decision, that will be the final decision; and

WHEREAS, there was further discussion regarding the citizens' rights, the proposed project, the reasons for the continuance, etc.; and

WHEREAS, Vice Chair Thomasson noted that the Commission takes citizen comments very seriously; they have heard them loud and clear and are prepared to get more information and make their recommendation at the next meeting in November;

ON MOTION MADE BY COMMISSIONER KING, SECONDED BY VICE CHAIR THOMASSON, 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 continued to the November 12, 2014, Planning Commission hearing in order to provide an opportunity for information gathering regarding water and sewer – the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:48 p.m.

-

Executive Secretary

Chair