



CITY COUNCIL

MINUTES

Wednesday, November 13, 2024 at 7:00 PM

Community Room, Salem Civic Center, 1001 Roanoke Boulevard
Salem, Virginia 24153

1. Call to Order

A Joint Special Meeting/Work Session of the Council of the City of Salem, Virginia, along with the Planning Commission of the City of Salem was held at the Salem Civic Center, Community Room, 1001 Roanoke Boulevard, Salem, Virginia, 24153, on November 12, 2024, at 7:00 p.m., there being present the following members of said Council, to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor (absent); Council members: Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; Chris Dorsey, City Manager and Executive Secretary; H. Robert Light, Assistant City Manager, Clerk of Council, and Deputy Executive Secretary to the Planning Commission; and Jim Guynn, City Attorney. Also present were Chuck Van Allman, Director of Community Development; Mary Ellen Wines, Planning and Zoning Administrator; Max Dillon, Planner I; and the following members of the Planning Commission: Denise P. King, Chair; Reid Garst, Vice-Chair; Jackson Beamer; Nathan Routt; and Mark Henrickson; and the following business was transacted:

Chair King and Mayor Turk called the respective meetings to order, did a Roll Call, and reported that this date, place, and time had been set for The Planning Commission and City Council to hold a Joint Public Hearing.

A. Pledge of Allegiance

2. New Business

A. Special Exception Permit

Hold a joint public hearing with the Planning Commission regarding the request of Jason N. and Jennifer C. Fountain, property owners, for the issuance of a Special Exception Permit to allow an accessory apartment on the property located at 621 North Broad Street, (Tax Map # 70-2-1).

(Advertised in the November 1 and 4, 2024, issues of The Roanoke Times.)

The Deputy Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Jason N. and Jennifer C. Fountain, property owners, for the issuance of a Special Exception Permit to allow an accessory apartment on the property located at 621 North Broad Street, (Tax Map # 70-2-1). This item was advertised in the November 1st and 4th, 2024, issues of The Roanoke Times.

Staff noted the following: 621 North Broad Street is 0.322-acre parcel that sits within the RSF Residential Single Family zoning district. The property owners are pursuing a Special Exception Permit to allow for an accessory apartment to be constructed in an attached garage. In order to qualify as an accessory apartment, that space must be structurally attached to (or within) a primary dwelling unit. While there is a canopy currently extending towards the existing detached garage, the current garage on the property is not structurally attached to the principal dwelling and thus not a candidate for an accessory apartment. The proposed building plans and elevations display an attached garage (structurally connecting the primary dwelling to the existing garage by way of a breezeway), with a proposed renovation allocating approximately 625 square feet of finished living space for the planned accessory apartment.

According to Salem's zoning ordinance, accessory apartments are permitted by Special Exception Permit in the RSF Residential Single Family zoning district, and are subject to the following Use and Design Standards (Section 106-304.1). The relevant details of the applicant's proposal are included in bold.

1. An accessory apartment shall only be considered accessory to a detached single family dwelling. **(applicant satisfies this requirement)**
2. At the completion of construction, no accessory apartment shall contain more than 40 percent of the finished floor area of the principal dwelling. **(accessory apartment = 625 square feet, principal dwelling = 1,893 square feet)**
3. No accessory apartment shall contain less than 300 square feet of finished floor area, or more than 1,000 square feet of finished floor area. **(625 square feet)**
4. Only one accessory apartment shall be allowed per lot or per principal dwelling. **(applicant satisfies this requirement – no existing accessory apartments on the parcel)**
5. The owner of the principal dwelling shall reside on the property and the accessory apartment shall only be occupied by a family member of the owner of the principal dwelling. **(applicant satisfies this requirement – the property owners will reside the principal dwelling, and the accessory apartment will be utilized for multi-generational living)**
6. No separate utility services shall be allowed for the accessory apartment. **(applicant satisfies this requirement)**

Chair King explained the guidelines that would be followed for the public hearing.

Chair King opened the public hearing for the Planning Commission.

Mayor Turk opened the public hearing for City Council.

Dolly Davis Dollberg appeared before the Commission and noted that she is an architect and has been working with the Fountains on this project. She introduced the project and explained that the intention of the project is to help aging in-place parents to have a multi-generational place to stay so that the family can survive as a unit and take care of each other through the aging process. They would like to provide an accessory apartment in the rear of the house, which is currently a garage. The garage will be renovated to provide a 625-square-foot apartment for the aging parents and it will be connected through a new structure that will replace an existing structure. In addition, they plan to add to the house to make it more amenable and to allow for better communication. The plan also includes porches and pathways that connect the whole structure together so that it will be one cohesive unit.

Chair King inquired if the Commission had any questions. Hearing none Chair King continued with the public hearing.

John Breen, 142 Bogey Lane address the Planning Commission and Council. He questioned why this public hearing request was included in this special Joint Public Hearing, the advertisement of the public hearing, and asked what would happen when a family member dies or the property is sold. He spoke against Special Exception Permits as a City planning tool. He expressed that the special exception should not be automatically transferable to a new owner unless the conditions which originally granted the exceptions were fully met and remained.

Michael Lane, 422 Academy Street, appeared before the Commission. He expressed concerns in relation to an accessory dwelling that he currently owns and for which he has been unable to acquire a separate 9-1-1 address. He requested to meet with someone to discuss this issue.

Chair King suggested that he talk with City staff in regards to his specific situation. She explained that the situation tonight with the Fountain property is different from his property in which he is actually renting to a non-family member. Mr. and Mrs. Fountain intend to house their family on the property. She indicated that she was certain staff would be happy to meet with him about his situation.

Stella Reinhardt, 213 N Broad Street, was the last citizen to speak during the public hearing. She expressed that her main concern was to take time to think the request through. She also expressed concern about what occurs once the family member is no longer living in the accessory apartment. She expressed support for the suggestions made by Mr. Breen that the Special Exception not remain with the property once the family member is no longer living there or the property is sold.

Chair King closed the Joint public hearing for the Planning Commission.

Mayor Turk closed the Joint Public Hearing for City Council.

B. Amendment to the Zoning Ordinance

Hold a joint public hearing with the Planning Commission regarding the request of Virginia Baptist Children's Home and Family Services d/b/a Hopetree Family Services (Salem CI) f/k/a The Virginia Baptist Childrens' Home f/k/a Baptist Orphanage of Virginia, property owner, for rezoning the properties located at 1000 block Red Lane and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family District to PUD Planned Unit District with proffered conditions. (Advertised in the November 1 and 4, 2024, issues of *The Roanoke Times*.)

The Deputy Executive Secretary reported that this date and time had been set to hold a Joint Public Hearing with the Planning Commission regarding the request of Virginia Baptist Children's Home and Family Services d/b/a Hopetree Family Services (Salem CI) f/k/a The Virginia Baptist Childrens' Home f/k/a Baptist Orphanage of Virginia, property owner, for rezoning the properties located at 1000 block Red Lane and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family District to PUD Planned Unit District with proffered conditions. (Advertised in the November 1 and 4, 2024, issues of *The Roanoke Times*.)

Staff noted the following: On August 30, 2024, HopeTree submitted a rezoning application to the Community Development Department. That application included the proffered PUD document and supporting documentation, with the only change to the proffered PUD document being an update to the formal name of the property owner.

On October 25, 2024, HopeTree submitted an addendum to the August 30, 2024, application which contained a letter highlighting the addition of a supplemental phasing plan. That supplemental phasing plan replaced the previous phasing plan in the proffered PUD document, and it can be found on the pages labeled EX-A and EX-B.

To summarize, the complete list of changes from the previously approved PUD document to the proposed proffered PUD document include:

1. An update to the applicant's/property owner's name (Page 3)
2. An adjusted phasing plan (replacement of Page 25 with pages EX-A and EX-B).

Chair King opened the Joint Public Hearing for the Planning Commission.
Mayor Turk opened the Joint Public Hearing for City Council.

At Chair King's request, Mr. Jon Morris, President and CEO of HopeTree Family Services, located at 860 Mount Vernon Lane in Salem. appeared before Council to ask for their consideration and vote to approve their application to rezone the HopeTree property for a Planned Unit District. He noted that HopeTree Family Services submitted their first rezoning request to the City of Salem on December 1st, 2023. He expressed gratitude that the Planning Commission and the Salem City Council voted to approve this application nearly seven months later after two extensive public hearings, a public work session and several other meetings. The

request to rezone was a result of the changing needs of HopeTree and how organizations like this one provide services to children and families today. On August 30th, 2024, HopeTree submitted to the City of Salem, a new application for the rezoning of the HopeTree property that is substantially similar to the rezoning previously approved by City Council. He noted that the reason a new application is being submitted is due to the litigation that was filed in July 2024. The lawsuit against the City of Salem where HopeTree was named in the lawsuit brings allegations of procedural concerns with the rezoning approval process from the previous rezoning application that HopeTree filed on December 1st, 2023. The original application dated November 30th, 2023 was ultimately approved and adopted by City Council on June 24th, 2024, as an amendment to section 106-110, Article 1, Chapter 106 of the Code of the City of Salem, VA. He stated that HopeTree did not wish for any uncertainty surrounding the procedural processes to detract from their mission or future plans. For this reason HopeTree is requesting that the City of Salem once again approve the newly submitted rezoning plan. HopeTree makes this filing to provide certainty in and to show its community partners and supporters that it values the Salem community's perspective of this rezoning process.

Dabney Ward, 2218 Mulberry Street, expressed support for the HopeTree rezoning. She spoke of the historical buildings, ball fields, and green space that will be preserved and the tax benefits that the City will receive.

Sam Silek, 2659 Turnberry Road, spoke in favor of the HopeTree rezoning. He spoke with disappointment about the negative rhetoric that had been part of this election and rezoning process.

Holly Moore, 821 Kerner Avenue, spoke in support of the HopeTree rezoning. She listed of a number of previous development projects that were controversial at the time.

Glen Richardson, 336 Howard Drive, expressed support for the HopeTree project, noted all the work that had gone into the process, and asked that this Council finish the process. He expressed concern over the negativity that had been part of this rezoning request.

Terry LaRocco, 317 Idaho Street, spoke positively for the HopeTree request. She expressed appreciation for the level of interaction that the citizens had been given in this process.

Curt Steele, 706 Red Lane, expressed opposition to the HopeTree project and the additional traffic that would be created.

Chris McCart, 316 N. Broad Street, spoke against the HopeTree rezoning and noted concerns with the traffic and the traffic studies that had been performed.

Nancy Reynolds, 925 Saddle Drive, expressed opposition to the HopeTree application and referenced the error in process with the original filing. She encouraged Council to take their time and not rush the process.

Mark Nayden, 352 N. Broad Street, spoke against the HopeTree rezoning and noted concerns of how this plan matches the Comprehensive Plan, of traffic and the impact on existing downtown businesses.

Will Long, 984 Red Lane, expressed support for the HopeTree rezoning and the positive change that he felt it would bring.

Stella Reinhad, 213 N. Broad Street, spoke against the HopeTree project. She expressed that she felt the process was too compressed and she questioned the procedure that was followed.

Donna Crotts, 307 N. Broad Street, expressed concern about traffic and that she felt more time was needed in making this decision to allow for further study.

Jennifer Thomas, 916 Red Lane, spoke in support of the HopeTree rezoning. She noted her background as a trained urban planner, shared details that were specifically spelled out in the plan, and shared that this is in reality a restrictive process.

Russell Deyerle, 620 Red Lane, expressed concern about traffic and spoke in opposition to the project.

Doug McCart, 316 N. Broad Street, expressed that he felt this was the wrong location for this project and that he was opposed to the HopeTree plan. He asked that Council vote against this rezoning proposal.

Dr. Sam Williams, 834 Red Lane, noted that he felt this was the wrong location for this project and asked that Council reconsider make the right decision with the right timing.

Carl Hart, 720 Mt. Vernon Avenue, expressed opposition to the HopeTree rezoning and spoke of concerns with traffic.

Mike Elmore, 622 Chamberlain Lane, spoke in support of the HopeTree rezoning and encouraged focusing on the facts.

Emily Paine Carter, 335 N. Broad Street, spoke against the HopeTree project and noted environmental, economic, and traffic concerns. She noted that she felt there remained unanswered questions and that the process was being rushed.

John Breen, 142 Bogey Lane, spoke in opposition of the HopeTree rezoning. He expressed the desire to see Council slow down the process and have an economic impact study done.

Sandra Camp, 729 W. Carrollton Avenue, addressed Council and the Planning Commission in opposition of the HopeTree proposal.

Jesse Cook, 301 Kessler Mill Road, expressed support for the Hope Tree project. She spoke of property values and a positive impact for local businesses.

Michael Lane, 422 Academy Street, spoke in opposition of the HopeTree rezoning. He felt that not enough studies had been performed and there was not enough available information for the public. He expressed concerns about water retention. He asked Council to slow the process down.

Susan Bentley, 312 N. Broad Street, spoke against the HopeTree proposal. She expressed that she felt the process was rushed, politically motivated, and lacked transparency.

Michael Bentley, 312 N. Broad Street, spoke in opposition of the HopeTree rezoning. He spoke on environmental costs .

Becky Mullins, 702 N. Broad Street, expressed that she felt more time was needed for communication and traffic and water drainage studies. She also spoke of environmental concerns and the need to take the project more slowly.

Cynthia Munley, 425 Roanoke Blvd., spoke in opposition of the HopeTree proposal. She felt that this project was being rushed and also expressed concerns about traffic.

Justin Davis, 300 Live Oak Court, expressed opposition to the HopeTree project and asked that Council slow down the process.

Lionel Etheridge, spoke on behalf of his elderly mother of 956 Stonegate Drive. He resides at 3668 Meadowbrook Way, Columbus, OH. He expressed concerns about density and traffic and spoke in opposition to the HopeTree rezoning on her behalf.

Chair King closed the Joint Public Hearing for the Planning Commission.

Mayor Turk closed the Joint Public Hearing for City Council.

3. Adjournment

Mayor Turk adjourned the meeting for City Council at 8:54 p.m.