



PLANNING COMMISSION

MINUTES

Wednesday, November 13, 2024 at 7:00 PM

Work Session, 6:00 PM, Parlor C, Salem Civic Center, 1001 Roanoke Boulevard
Regular Session, 7:00 PM, Community Room, Salem Civic Center, 1001 Roanoke Boulevard

Planning Commission Meeting Agenda

Wednesday, November 13, 2024, 7:00 PM

Work Session, 6:00 PM, Parlor C, Salem Civic Center, 1001 Roanoke Boulevard
Regular Session, 7:00 PM, Community Room, Salem Civic Center, 1001 Roanoke Boulevard

WORK SESSION

1. Call to Order

A work session meeting of the Planning Commission of the City of Salem, Virginia, was held in Parlor C, Salem Civic Center, 1001 Roanoke Boulevard, at 6:00 p.m., on Wednesday, November 13, 2024, there being present the following members of said Commission, to wit: Chair Denise King, Vice-Chair Reid Garst, Commissioner Jackson Beamer, Commissioner Nathan Routt, Commissioner Mark Henrickson with Chair King, presiding; together with Christopher J. Dorsey, City Manager and Executive Secretary, and H. Robert Light, Assistant City Manager and Executive Secretary, ex officio members of said Commission; Charles E. Van Allman, Jr., Director of Community Development; Mary Ellen Wines, Planning & Zoning Administrator; Maxwell S. Dillon, Planner, and Jim H. Guynn, Jr., City Attorney; and the following business was transacted:

Chair King reported that this date, place, and time had been set in order for the Commission to hold a work session.

2. Discussion Items

A. November agenda

1. 621 North Broad Street
2. 860 Mount Vernon Avenue
3. Simms Farm Section 3
4. Storage Containers
5. Cancellation of the December meeting

Item 2.A.1. Staff noted the following regarding the request: 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.

Staff and the Commission discussed the request for an accessory apartment located at 621 North Broad Street.

Item 2.A.2. Staff noted the following regarding the request: On August 30, 2024, HopeTree submitted a rezoning application to the Community Development Department. This application is in response to the lawsuits following the previous approval in June 2024. 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. 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.

Staff and the Commission discussed the request to rezone the HopeTree properties.

Item 2.A.3. Staff noted the following regarding the request: This plat would create 19 new lots (1-11, 31-32, and 108-113) for Phase 3 of the "Simms Farm" subdivision. This phase includes residential lots, open space with a possible trail location and stormwater management, and an extension of Grove Boulevard. The lots are located along Upland west of the main entrance and north of the intersection of Upland Drive and West Club Drive.

Staff and the Commission discussed the Simms Farm Phase 3 subdivision.

Item 2.A.4. Staff noted the following regarding the proposed code amendment: Throughout the past several years, storage containers (also referred to as shipping containers) have become increasingly prevalent. Staff have learned through numerous conversations with commercial and industrial enterprises that storage containers are critical to their business operations, as they provide additional space

that is flexible, durable, protected from the elements, and relatively inexpensive.

However, their appearance can also detract from the character of commercial corridors if not maintained appropriately. Rust, graffiti, and other forms of deterioration can have a negative impact on the aesthetic environment of major commercial districts that are important to the presentation and ultimate vitality of the city. Staff has proposed some regulations regarding storage containers focusing mainly on the major corridors.

Staff and the Commission discussed the proposed code changes regarding storage containers.

Item 2.A.5. Staff noted the following regarding the December 2024 meeting: Due to no items on the agenda, staff requested to cancel the meeting.

No action was taken by the Commission at this work session.

3. Adjournment

Chair King adjourned the work session at 6:28p.m.

REGULAR SESSION

1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was called to order at 7:00 PM, in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, on Wednesday, November 13, 2024, there being present the following members to wit: Chair Denise King, Vice-Chair Reid Garst, Commissioner Jackson Beamer, Commissioner Nathan Routt, Commissioner Mark Henrickson with Chair King, presiding; together with Christopher J. Dorsey, City Manager, and Executive Secretary, H. Robert Light, Assistant City Manager and Deputy Executive Secretary, ex officio members of said Commission; Charles E. Van Allman, Jr., Director of Community Development; Mary Ellen Wines, Planning & Zoning Administrator; Maxwell S. Dillon, Planner; and Jim H. Guynn, Jr., City Attorney; and the following business was transacted:

Chair King reported that this date, place, and time had been set in order for the Commission to hold a joint meeting with Salem City Council.

A. Pledge of Allegiance

2. Consent Agenda

A. Minutes

Consider acceptance of the minutes from the October 4, 2024, work session and regular meeting.

3. New Business

To the speakers who have signed up, and I have the sheets in front of me, you will be allowed three minutes to speak. When we start the process, I will be calling the name of the first speaker and then the second name so that we can use our time more efficiently. So, as the first speaker comes up, the second one will be waiting. When the second speaker comes in, the third one will come up and I will call those names. Each speaker, as I said, we'll have 3 minutes and you are to use all or portion of your 3 minutes, but it may not be given to someone else.

A. Special Exception Permit

Hold joint public hearing with City Council 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).

The 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)**

Dolly Davis Dollberg appeared before the Commission and stated the following: She is an architect and has been working with Jen and Jason Fountain on this project. She provided a brief introduction, explaining that the intention of the project is to support aging in place, allowing parents to have a multi-generational living space so the family can stay together and care for one another through the aging process. The plan is to provide an accessory apartment at the rear of the house, which currently houses a garage. The garage will be renovated into a 625-square-foot apartment for the aging parents. This new structure will be connected to the main house through an existing industrial-style structure, which will be removed and replaced with a new one. Additionally, the house will be expanded with porches and pathways to create a more connected and cohesive space.

Chair King inquired if the Commission had any questions. Hearing none, Chair King opened the public hearing at 7:02 p.m.

Mr. John Breen appeared before the Commission and stated the following: He expressed pleasure at the opportunity to speak and mentioned that the request for the special exception was not presented or requested to be expedited. He raised concerns about why the mayor included it in the special meeting, which deviated from a well-known Salem practice. He questioned why the Roanoke paper published notices just four days apart—one on Friday and the next on Monday—allowing only seven business days before the public hearing. He also criticized Salem's codes as overly permissive, noting the lack of safeguards, particularly in the case of family members dying or when the property is sold. Mr. Breen further criticized the staff's survey, stating that it was flawed, misleading, and not statistically valid. He also argued that there was no evidence to suggest that accessory structures are desired by the majority of Salem taxpayers. He continued by expressing concerns about special exceptions, calling them spontaneous and not a valid city planning tool without guardrails. He emphasized that the planned unit could easily be converted into rental properties. He proposed that approval should only be granted if conditioned upon the special exception becoming invalid when the unit is no longer occupied by a family member or the owner no longer resides on the property. He suggested that should the special exception become invalid, the unit should not be used as a rental unless the owner applies for and receives rezoning. Additionally, he stated that the special exception should not be transferable to a new owner unless the original conditions are

met.

Michael Lane, of 422 Academy Street, appeared before the Commission and stated the following: He expressed his understanding that accessory buildings are no longer accepted in the City of Salem, though some are still grandfathered in. He owns one of these grandfathered properties but has been unable to obtain an address for his accessory building. He explained that the post office had allowed him to obtain a second address several years ago, but when he tried to do the same for another building, he was refused. The primary reason for wanting an address for the accessory building was to have a 911 address, which he believes is crucial in case of emergencies. Mr. Lane stated that without this address, emergency responders might go to the main house instead of the accessory building, which could delay help. He requested a meeting with city staff to discuss granting 911 addresses for grandfathered accessory buildings.

Chair King responded, thanking Mr. Lane for coming forward. He suggested that Mr. Lane speak with city staff, as the situation with the Fountain property differed from his own, in that Mr. Lane was renting to a non-family member while the Fountains intended to house their family on the property. Chair King reassured Mr. Lane that staff would be happy to discuss the matter further.

Stella Reinhardt, of 213 North Broad St., Salem, appeared before the Commission and stated the following: She thanked the Commission for the opportunity to speak. She expressed concerns about the accessory apartment and echoed Mr. Breen's concerns about the advertisements, stating that they seemed improperly spaced. She also noted that the property in question was located on her street, and her main concern was the long-term implications of the project. While she understood the intention to allow family members to age in place, she worried that once the family members were no longer living there, or if the property was sold, the apartment could be rented out, potentially leading to other issues. She agreed with Mr. Breen's suggestion that protective measures, such as not allowing separate meters or requiring a special exception for renting, might be necessary. She emphasized the importance of addressing these concerns, particularly as the discussion about accessory rentable apartments in other areas of the city was ongoing.

Chair King then asked if anyone else wished to speak on this matter. Hearing none, he closed the public hearing for the Planning Commission at 7:15 p.m.

B. Amendment to the Zoning Ordinance

Hold joint public hearing with City Council 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 Children's 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.

The Executive Secretary reported that this date and time had been set to hold a public hearing. This item was advertised in the November 1st and 4th, 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).

Mr. Jon Morris of HopeTree appeared before the Commission. He addressed the members of the Planning Commission, Salem City Council, and City staff, stating good evening. Mr. Morris introduced himself as the President and CEO of HopeTree Family Services, located at 860 Mount Vernon Lane in Salem. He expressed his gratitude for the Commission's consideration and asked for approval to rezone HopeTree's property for a planned unit district. HopeTree Family Services initially submitted their rezoning request to the City of Salem on December 1st, 2023, and Mr. Morris thanked the Planning Commission and the City Council for approving the application after extensive public hearings, a public work session, and several other meetings. He explained that the request to rezone was a result of changing needs within HopeTree, including new licensing regulations, requirements from funding sources, and the shift away from providing services in a congregate campus-style setting. As a result of these changes, HopeTree no longer needed all of the property and buildings it once did. Mr. Morris emphasized that the organization was guided by three goals for the redesign: 1) to honor its history by remaining on the land it has occupied for 134 years and repurposing the historic buildings it no longer needs, 2) to position HopeTree for the future by investing more than \$10 million in upgrading the property and the buildings it will retain, and 3) to create a development that the community would be proud of, by partnering with a renowned architect and development team to design a mixed-use development with amenities for the entire community. Mr. Morris highlighted that HopeTree is a strong organization that has positively impacted thousands of children, adults, and families in the region and across the state. He noted that the organization is stronger than ever and poised for

greater impact in the future. He explained that this proposal, along with the previously approved one, would allow HopeTree to meet its goals. He then addressed the submission of a new rezoning application on August 30th, 2024. He stated that the new application was substantially similar to the one previously approved by the City Council. The reason for resubmitting was due to litigation filed in July 2024, in which HopeTree was named in a lawsuit challenging the procedural aspects of the previous rezoning approval. Mr. Morris clarified that HopeTree did not want any uncertainty surrounding the procedural process to detract from its mission or future plans, and for this reason, it was requesting approval for the new rezoning application to provide certainty to the community. He emphasized that HopeTree and its development team have been open and transparent throughout the process, going above and beyond what other private property owners might do. They have held charrettes on the campus to gather input from neighbors and stakeholders, met with various city leaders and elected officials, and made significant reductions to the commercial aspects of the development in response to concerns. Mr. Morris confirmed that there were no material changes to the project, and the new application included only minor updates, such as changes to the owner's name, a more detailed phasing plan, and general updates to the rezoning narrative. He requested that the City of Salem review and consider all materials from the previous rezoning process in reviewing the new application, including comments from the Planning Commission, City staff, and citizens. He further addressed the lawsuits challenging the previous approval and reassured the Commission that this new application addresses the issues raised. Mr. Morris acknowledged that there would be opposition to the development, but he also pointed out that many people who support the project would not be attending the meeting due to mistreatment of those who have vocalized support. He mentioned that HopeTree has three options for the property: selling it to a developer, building as many single-family homes as possible by right, or developing it as a planned unit district. He explained that if they chose to build single-family homes, it would be impossible to preserve the historical buildings that are no longer useful to the organization. In conclusion, Mr. Morris reiterated that the proposed plan would benefit both HopeTree and the community, thanking the Planning Commission and City Council for their review of the request. He mentioned that members of the development team were present to answer any specific questions about the application.

Chair King opened the public hearing at 7:16p.m.

Daphne Ward expressed appreciation for the opportunity to speak at the meeting. She introduced herself as a resident of 2218 Mulberry St. and began by stating that HopeTree's development was inevitable. She mentioned that HopeTree had been exploring development options for over five years, deliberating carefully to select the best options for their property. Through the PUD (Planned Unit District) zoning, the city had the chance to engage in discussions and provide input, rather than having no say if the property remained zoned as residential single-family. Ms. Ward highlighted that the developers plan to preserve most of the historical buildings on the site, which he considered important as they were integral to the lives of many Salem residents.

This preservation would not have occurred if the property remained zoned for residential single-family use. She also pointed out that the ball fields would be preserved, and 35% of the green space would be maintained, which would not have been the case under residential zoning. Furthermore, she noted that the property currently generates no revenue for the city, but once developed, it could bring in over a million dollars in real estate taxes, benefiting all citizens of Salem by helping offset rising costs and taxes. Ms. Ward acknowledged the efforts of the current Council, which spent over two years attending meetings, listening to citizens, asking questions, and discussing details with developers and HopeTree staff. She stated that the final zoning decision was made and communicated to the Council on June 24, 2024, almost five months ago. She questioned whether it was reasonable to suggest that correcting the procedure with the most educated Council members was "rushing things," especially given that the decision had already been made in June. She also raised concerns about efforts to delay the process until after January 1st, questioning whether the five lawsuits filed were an attempt to prolong the decision. It was Ms. Ward's understanding that lawsuits would continue, with a judge ultimately deciding the outcome of the zoning. She clarified that the purpose of the public hearing was to correct the procedure, not to vote. Regardless of the Planning Commission or Council's recommendations, the final decision rested with the Council, as the Planning Commission is an appointed body, not an elected one. Ms. Ward criticized those who wished to delay the decision, particularly those who thought it would be better for the new Council to make a decision after January 1st, especially with two out of five members having had no involvement in the lengthy discussions. She compared this to introducing a new juror who had not heard two years' worth of evidence, calling it illogical and unfair to the citizens of Salem. She then shared a personal experience about the CEO of HopeTree. Ms. Ward explained that she had been questioned about her attire when she arrived to speak at the City Council meeting, as she does not typically dress up. She described how, when she mentioned she was there to speak on behalf of HopeTree, her coworker responded negatively, with aggressive comments about the situation. Ms. Ward stated that she understood the CEO's perspective, noting that people on her side of the argument often do not speak out, especially given the requirement to provide their name and address. She emphasized that it takes bravery to speak at a City Council meeting.

Sam Silek, a resident of 2659 Turnberry Road in Salem, Virginia for over 30 years, expressed his concerns. He noted that elections have shifted from being civil selections of leaders to platforms of harsh rhetoric and finger-pointing. He never expected to encounter such negative behavior, particularly in Salem, regarding the HopeTree rezoning. Sam shared his shock and disappointment upon seeing disparaging signs aimed at the mayor, accusing her of mishandling the HopeTree rezoning. He clarified that this was not a personal or emotional decision by the Council, but one made with significant deliberation, inquiry, and public involvement. He emphasized that while many North Salem residents supported the redevelopment and rezoning of HopeTree, fear of repercussions kept them from speaking out. Sam stated that Mayor Turk, one of three Council votes approving the rezoning, was unfairly targeted by the vitriol. He explained that the Planning Commission, appointed

by the Council, had recommended the rezoning by a 3-2 vote. Sam criticized the political motivations behind a press conference aimed at discrediting a candidate just days before the election. He pointed out the lack of similar public opposition when Council members stood in support of a lawsuit they were also involved in. Sam also mentioned that many citizens, including those from North Salem, supported the HopeTree development, despite the vocal opposition of some. He reminded the audience that elections had already taken place, where voters had the opportunity to select candidates who opposed the rezoning but chose not to. He concluded by emphasizing the widespread approval of the HopeTree Planned Unit Development (PUD) across the City of Salem.

Holly Moore, a resident of 821 Kerner Avenue, spoke next. She recalled how, 134 years ago, there were likely objections to the construction of the Baptist Children's Home. She highlighted the resistance to change in neighborhoods, recalling similar objections in Salem over the years, from the construction of Lewis Gale Hospital to the building of Salem High School and the football stadium. Holly pointed out that residents in the vicinity of HopeTree were opposing the development in much the same way previous communities had. She mentioned the inconsistency of some real estate agents who had sold properties in the city and were now opposed to the development because it was near their homes. She described this opposition as selfish and noted the hypocrisy when it impacted their property values. Holly also raised concerns about the shortage of suitable housing in Salem, mentioning that many former residents of the city would prefer to return but couldn't find adequate housing. She expressed her appreciation for the Council's decision-making process, acknowledging that while she did not always agree with their decisions, she respected their commitment to standing behind them.

Glenn Richardson, a resident of 336 Howard Drive in Salem, expressed his concerns about the lawsuits filed against the Council and the characterization of the Council as "lame duck" members, just before the election. Glenn emphasized that the Planning Commission and the Council had spent two years working on the HopeTree project and that delaying the process would be counterproductive. He warned that delays would only increase costs and make it harder for the project to move forward. Glenn urged the Council to finish the process and not allow new Council members, who had not been involved in the planning, to delay it further. He stated that delays in city business would result in nothing getting done, and he urged the Council to proceed with the vote without delay.

Terry LaRocco, a resident of 317 Idaho Street, spoke positively in favor of the HopeTree development. She praised the transparency of the planning process, stating that the Council and Planning Commission had done more to involve the public than she had ever seen in Salem. Terry acknowledged the hard work and dedication of the Council and Planning Commission over the past two years. She believed the development would benefit the city and its citizens, and she commended the officials for their efforts. She expressed her support for the project, noting that the results of the recent election showed a clear mandate for the HopeTree development to move

forward.

Kurt Steele, a resident of 706 Red Lane, addressed concerns about the potential traffic impact of the HopeTree development. He noted that the Planning Commission had approved the addition of 4,000 additional trips per day in the north part of Salem, which he believed would significantly worsen traffic conditions, particularly at the intersection of Red Lane and Carrollton Avenue. Kurt argued that the development would add more traffic than 150 single-family homes, which would further exacerbate the traffic issues in North Salem. He asked the Council and the Planning Commission to reconsider the traffic impact and to carefully assess the effect the development would have on the neighborhood.

Chris McCart, a resident of 316 North Broad Street, raised concerns about the traffic study conducted for the HopeTree development. She questioned the accuracy of the study, noting that the data collection methods used by Balzer, the firm conducting the study, were inadequate. Mrs. McCart pointed out that the traffic study relied on only two short counts and a VDOT study from the pandemic period, which she felt did not provide reliable data. She shared that he and other residents had conducted their own traffic counts and found discrepancies with the study's data. Mrs. McCart urged the Council to request more comprehensive data before making a final decision, stressing that insufficient data would lead to unreliable conclusions.

Nancy Reynolds, 925 Saddle Drive, appeared before the Commission and noted she would like to correct a mistake that was previously stated that citizens "have spoken." She mentioned that two of the elected candidates are against the PUD openly. Ms. Reynolds stated that the first PUD was filed on December 1, 2023, and it went to the Planning Commission. Speaking specifically to the "new" Planning Commission members, she elaborated that Planning Commission did not decide on the PUD until April 10 - four months later, with the reason being the Vicki Daulton was not satisfied with what the descriptions were, especially commercially, which has not changed. She noted that the current PUD document says commercial uses will be determined based on the needs of the community and inquired what that means. She further stated that the PUD document also says the character of the anticipated nonresidential mixed-use and commercial uses of the PUD will align with the character of the neighboring communities and inquired what that means and what businesses would be going in these locations. Ms. Reynolds reiterated that the last process took four months for Planning Commission to make a decision. She noted that this new application was submitted on October 25, 2024, which was nineteen days prior. She strongly recommended that Planning Commission take more time to review this information because of the importance of the decision at hand. She stated that lawsuits had been filed due to an error in the process, and the original PUD was filed by the wrong entity. She encouraged Planning Commission to take more time with their decision and mentioned that this process was abbreviated due to two Council-member elects who have voiced opposition to the project. Mr. Light corrected a previous statement by noting that the new PUD application was filed on August 30, 2024. Ms. Wines confirmed that statement, and mentioned that there was an

updated PUD application submitted on October 25, 2024 which contained a more detailed phasing plan.

My name is Mark Nayden, 352 North Broad Street, appeared before the Commission to voice his concerns over the PUD proposal of the HopeTree property. He stated that the current comprehensive plan encourages redevelopment that is compatible with existing and planned residential areas. He continued by asserting that economic development in the city is supposed to focus on existing business assistance and retention which clearly is not the focus of the HopeTree plan. He suggested that the city must protect established areas from the impact of commercial development. He noted that there will be an increase in traffic, and commercial development will exacerbate the traffic problems. Mr. Nayden mentioned that as drawn [on the plan] North Broad Street becomes the only through street, and the extension of North Broad Street and changes along Red Lane and Mount Vernon will affect these neighborhoods by potentially making them overused thoroughfares for services and deliveries - no longer historic neighborhood streets. He suggested that according to the Comprehensive plan, care should be taken to mitigate negative impacts on surrounding residential neighborhoods, and that it is a challenge for Salem to devise a way to preserve its historic architecture while allowing new development and redevelopment to occur in a manner that is acceptable to the Community. He noted that well over 500 residents of Salem have signed a petition opposing the this rezoning request. Mr. Nayden questioned why Salem would allow a property that has been residential since its establishment to become mixed-use with such close proximity to Main Street. He questioned the existence of an analysis that shows that adding 35,000 square feet of office space and 15,000 square feet of restaurants and retail would become an asset to Salem's economic development. He commented that commercial businesses in downtown Salem do not need to share their already limited business, and that the comprehensive plan says that our downtown area plays an important role in the economic health of Salem, drawing people and wealth into the city. He suggested that the plans for Hope Tree property do not meet this objective, and there is no need for commercial development on the Hope Tree property. Mr. Nayden mentioned that Salem does not need 34 additional hotel rooms, as the lofts on Main Street are apartment style rentals, and the Rowland Hotel has 16 rooms that are almost always available. He commented that The Inn at Burwell place has been on and off the market for years, there are hotels on both ends of town, and one is being added as part of the Hanging Rock development just across Salem's city limits. Mr. Nayden noted that he previously owned a bar in Brooklyn for 20 years, he has first-hand knowledge of mixed-use developments with apartments over commercial establishments. He commented that the idea that PUD is new for Salem and should not be considered lightly. He stated that this kind of development in a residential neighborhood is not appropriate, and it is better suited on the edges of town or for re-establishing underutilized areas. He noted that even in those cases, success rates are low. Mr. Nayden suggested that rezoning to include commercial development does not make sense when there are over are well over 55 vacant commercial properties along Main Street, including at least 5 new ones since June. He suggested that Salem should focus on filling those vacancies, and redevelop those areas to

increase the tax base. He applauded the Planning Commission and Council members who tried to narrow the scope of the proposal, but suggested that a PUD on the HopeTree property will not solve Salem's affordable housing crisis.

Will Long, 984 Red Lane, appeared before the Commission and noted that his house is right across the street from Red Lane and will probably be most affected by the proposed development. He stated that he was born and raised in Pittsburgh, PA, but his family is from Salem and has owned the property where he now resides for over a century. Mr. Long noted that he remembers playing basketball with the residents on the HopeTree campus during his childhood, not fully understanding the reasoning why they were there. He stated that he now understands the challenges that HopeTree faces, and that he feels change is a good thing and this change would be good for the City of Salem. Mr. Long mentioned that part of his routine is going to the 711 on Apperson to get coffee in the mornings. He noted that there are constantly contractors or construction workers there, but they typically are heading outside of Salem to work for the day. He stated that he feels like everyone would like Salem to be a place where they could live, work, and play, and that is what the HopeTree development is planning. He said he believes it will be a 10 year project. He highlighted the benefits to the people that would be involved with the development and the benefits that it could bring to the City instead of having folks get outside of Salem to work. Mr. Long thanked the Commission for their consideration.

Stella Reinhard, 213 North Broad Street, appeared before the Commission and thanked them for the opportunity to speak. She stated that this is an abnormally collapsed calendar to do this. She stated that it is obvious to all of them, and they know that Council is trying to re zone this before the majority slate of new council members are sworn in January 1. She mentioned that she thinks this past election was one of the largest due to the presidential election, and it was a hotly contested presidential election, so it affects everyone. She stated that the mayor was reelected, but also a majority slate on the HopeTree issue and other transparency issues were elected. She stated that she had never heard of Salem utilizing the double public hearing that was required to get this through by December 9. She commented that the advertisement was done in the Roanoke Times which did not seem to follow Virginia Code due to the timing of the ads. She reiterated that this joint session was being done just so that the item could be completed before January 1, and so this cannot be called a normal procedure. Ms. Reinhard stated that the City had previously said that special exception permits could be used to redevelop the old buildings, and she would support that. She stated that she does not like the loosey goosey language, and that nothing is promised in this plan, such as they will save the buildings if its possible, and there will be ball fields somewhere. She noted that although the horse pasture is the last area slated to be developed, it will be developed. She stated that there are major changes that need to be discussed, like the change in acreage that HopeTree is planning to sell, and it should follow the process that Salem typically uses.

Donna Crotts, 307 North Broad Street, appeared before the Commission and noted

that she previously emailed her remarks to Planning Commission, but she was not planning to read those remarks. She noted that this is a tremendously big project, and one of the networks said this is the largest project that the City of Salem has ever had, but she does not know if that is true or not. She said that we have been talking about storage containers for almost a year now, and that a project of this scope deserves more time to consider all the details in the details. She asked why they cannot just get answers to their questions. Ms. Crotts mentioned that she does want what is best for HopeTree, but it is going to affect so many people around it. She stated that if there was a PUD development elsewhere in the city, she would sell her house and move there. She said that she was just in Alexandria, and it was lovely area with a cute little townhouse and coffee downtown, but there are many differences with the streets and sidewalks and traffic in that area. She noted that her vehicle has been hit three times on Broad Street. She asked what another three months would be after this whole process. She thanked Hunter Holliday and Jim Wallace for listening to them, and asked the same of Mayor Turk, Randy Foley, and Bill Jones.

Jennifer Thomas, 916 Red Lane, appeared before the Commission and commented the she and her husband have dreaded the inevitable development, but they have been in support of the PUD since they first learned about it. As a trained urban planner, Ms. Thomas stated that she appreciated the design process and alternatives to suburban development. She noted that HopeTree chose to work with an urban planner to create a living environment that saves the historic buildings, preserves the natural beauty, creates public open space, offers a variety of housing options, and retains the ball fields. She stated that a good design in this space is very important because it is visible for much of North Salem and could have easily been a cookie cutter landscape. She commented that with this proposal PUDs are unique and they are individually created - if you have seen one PUD, you have only seen that one PUD. She stated that there is nothing like that in the surrounding area and it has required a lot of engagement to understand the project fully. Ms. Thomas noted that the HopeTree PUD is not a clone of the Daleville Town Center, for example – that is not a PUD and was not designed by the HopeTree team's planner. She stated that the PUD is also not a blank check for the for the developer. Everything from setbacks to building usage is specifically spelled out and will be bound to the property if passed to new owners. She mentioned that this is actually a very restrictive process. The HopeTree PUD has been edited through clarification and advocacy by city officials.

She asked how many times did we hear Ms. King, Ms. Daulton, and Mayor Turk say, they went through the document line by line? She mentioned that the PUD is the only option for addressing the traffic on Red Lane, which is 2 narrow lanes with no shoulders. She elaborated that the PUD promises no new driveways on Red Lane, it adds a parking lane and a sidewalk which have design features to slow traffic and increase safety. She stated that no traditional developer is going to make those improvements or design decisions without significant proffering for more units. She stated that walking on Red Lane is already quite dangerous in the lanes, and many people use the HopeTree field for walking. She said that under current zoning, it would have been someone's yard, but hopefully, it will be the sidewalk built by the PUD. Additionally, the HopeTree use of existing historic buildings as commercial

space is a helpful way to provide some limited and commercial services in the area, like the Dilly Dally. She stated that providing these services on Hope Tree property is what helps to decrease the traffic through the neighborhood. She stated that expecting only the use of services on Main Street increases traffic. Ms. Thomas noted that these are mutually exclusive and again we know that development is certain.

Russell Deyerle, 620 Red Lane, appeared before the Commission and stated that he spends some of his time up in Richmond. He noted that there are a few PUDs up in the Richmond area, but one of the common things that you will see there, that's not part of this project is traffic patterns off major arteries. He pointed out that one of the problems he has identified several times when he has spoken to both the Planning Commission and City Council is there is not a good artery to get to HopeTree. He noted that someone who lives on Broad Street spoke, which is the best of all possible, that's not a good one because she's had her car hit a few times. He noted that the other alternatives are Academy Street, not real good, and if you have ever driven up Market Street, you are playing slalom to get around the cars because with cars parking on both sides, you don't have two lanes of traffic. He stated that you also have High Street which has the college traffic through it. One other things he noticed is when he went to the August 13 master planning session they had up at the Civic Center, they had posters of potential planned Street improvements. One of them that he was finally able to work with Max and Mary Ellen is going to be Red Lane. He stated that one of the issues though, is we talked about having additional, you know, sidewalks and stuff like that. That might be the part above Carrollton. However, between Carrollton and Hawthorne, you can park cars on either side and maybe get one, maybe two cars that they're thinking thin through there. There are no sidewalks and there's no room for a bike lane that they were proposing. He noted that if you go beyond Hawthorne towards Main Street, you have a one lane road. He stated that you have the back of the President's college that's not going to give up any space and if you get farther down, this house is off the street are so narrow you cannot have two lanes of traffic, much less two lanes and parking go beyond that. He commented that if you go through the Roanoke College dormitory apartment, their parking lots you go through a tree line and you end up in your own City Council parking lot with the recycling bins. You go through that and you have to drive through the Registrar's office and potentially the brewery because there's only a slight alley between the two. He stated that the new map is showing a lane all the way from Main Street to the Interstate - that's not even feasibly possible, and even as Max said in an e-mail, this is just a high level, not even looking at feasibility. He stated that the project is talking about adding 4000 trips and the one way they're talking about potentially increasing and improving can't have those improvements on it if anybody has even ever driven down that street. He suggested that this is the type of thing that we are putting the cart before the horse, we're not really thinking through what these ramifications are, and you're going to destroy the neighborhood that has walking in it that's not going to with the 4000 additional trips.

Doug McCart, 316 North Broad Street, stated that he thinks the HopeTree proposal is in the wrong place for Salem for many reasons, and he encouraged the Commission

and Council to vote no.

Sam Williams, 834 Red Lane, stated that he and his wife have lived there for 42 years and have enjoyed watching sunsets over the Virginia Baptist Children's home for all that time. He stated that the bottom line is that they really do encourage City Council Planning Commission to reconsider the proposal for development based on so many arguments that have already been given. I won't belabor them. He noted that for one thing, a project of this magnitude and complexity would best be done on the periphery of a town like ours on terrain that is more level and it has been powerfully said adjacent to a major highway or road. He stated what's planned for, for the Hope Tree property does not really fit any of those criteria. He asserted that he is not opposed to progress, and we're not talking about just summarily opposing or a Salem Stadium or a Y or anything like this. He stated that he wants the right thing to be done in the right way and the right timing and I would therefore oppose the PUD that that has been voted on and ask for your reconsideration after the first of January.

Carl Hart, 720 Mount Vernon Avenue, appeared before the Commission and noted his address is at the entrance to the Baptist Home of HopeTree, and so forth and so on. He mentioned that he has lived in that neighborhood for most of his life. He stated that Mr. Morris said earlier that he met with all the stakeholders on this and that was completely incorrect. His neighbor across the street is Ms. Murphy and she was never notified either, so I do want to say that that was incorrect. He asked if the Commissioners and Council Members had read what this traffic study is in depth. He stated that it should be noted that they have methodologies for estimating the generation reduction for mixed-use developments. He stated that they require a high level of detail about proposed uses that is not available at this time for this particular development, and inquired if the Commissioners and Council Members were aware of that. He noted it goes on to say, it acknowledged that this development does not have all the characteristics that would warrant a 49% reduction in traffic. He asserted that it's saying that this study is really no good. He stated that he doesn't know how many of you have driven big trucks and trailers, but he has. He stated tractor trailers cannot get up from Thompson Memorial up Cleveland, where his parents' house is. He noted that one has run over the new brand new wonderful pedestrian Control Center he thinks twice. He stated that he doesn't know how much that's cost the city, and if they even know who did it, but they probably don't know who did it. He mentioned that the fire hydrant at his parents' house has been run over and it wrecked the whole infrastructure underneath, they had to dig up that whole intersection and that whole area multiple times to try and fix it. He commented that you cannot get a tractor trailer into that area safely. He stated that a lady bent down to get her dog's business up, and he was watching his neighbor backed up when a County School bus passed through and turned the curve at Red Lane and Carrollton and drove up in the mulch in the bushes and luckily, nobody was killed - vote against it.

Mike Elmore, a resident of 622 Chamberlain Lane, spoke in favor of the HopeTree development. He acknowledged the concerns of those opposing the project, but he encouraged the Council and the Planning Commission to stick to the facts rather than

worries or fears. Mike highlighted the long-standing relationship between Salem and the Virginia Baptist Children's Home, noting that the PUD application had already been approved. He reminded the Council of the historical significance of the property and urged them to approve the PUD application to allow the property to be developed in a way that would benefit the citizens of Salem. Mike urged the Council not to let the property fall into another failed development like The Hill and emphasized the importance of allowing the property to be developed for public use.

Emily Payne Carter introduced herself as a resident of 335 N Broad St. She advised caution when dealing with mature women carrying legal pads and an attitude, as she enjoys public speaking. She expressed her concern for the city of Salem, stating that everyone wants what's best for it. She mentioned that she had heard that sentiment from others. Carter emphasized that everyone is a child of God, and whether they are a citizen or a business owner, all are valuable. She humorously pointed out that Broad Street had 700 trick-or-treaters, noting that this was a positive contribution to the community.

Ms. Carter remarked that the meeting felt rushed, referencing the old council, and suggested it was somewhat unprofessional. She added that, while she couldn't quite articulate the specifics, it felt like there was something off about the process. She referenced concerns raised by new speakers, particularly those who may not have attended prior meetings where unanswered questions about traffic and other issues had been raised. Ms. Carter highlighted the environmental costs of development, citing examples like Asheville, where years of construction had caused air particulate matter, stormwater issues, and other concerns, including heat islands. She cautioned about potential economic impacts on downtown businesses, additional costs for city services, and the long-term negative effects of short-term tax gains. She noted that while she had often felt like a lone voice on these issues, there were now others speaking up alongside her. Ms. Carter also mentioned decisions related to Salem High School, suggesting that perhaps it should not be on West Main Street. She concluded by advising that people should consider who stands to benefit from a development project, and if they vote against their personal interests, they may be helping someone else's financial gain. Ms. Carter thanked the council and concluded by expressing hope that whoever their higher power is, would give them a "high five" for their service.

John Breen, a resident of 142 Bogey Lane, shared his concerns about the development project. He expressed skepticism about trusting the City Council to protect neighborhoods, hold public hearings, and provide transparent answers to citizens' concerns. Breen stated that while the council could be trusted to act, it should not be assumed that they would. He criticized the flawed process that led to the approval of the HopeTree development, citing the mayor's decision to hold a rushed meeting aimed at securing approval before the next council could intervene. Breen pointed out that none of the councilmembers had requested an economic impact study, and they seemed unaware of the costs the development would impose on taxpayers, particularly regarding water, sewer, and stormwater infrastructure, as well as the strain on the school system. He argued that the development violated the city's

comprehensive plan and zoning codes, particularly concerning congestion, public street safety, and the protection of historic areas. Mr. Breen concluded by urging the council to slow down the process, commission an economic impact study, and engage outside experts before proceeding with the development.

Sandra Camp, a resident of 729 West Carrollton Avenue, spoke about her frustration with the lack of responses to her emails regarding infrastructure concerns. Camp humorously mentioned that the Mormon church was looking to buy property in Salem, including HopeTree, and made light of the situation. She emphasized that at 80 years old, she had learned not to take life too seriously, drawing from her experience living in Northern Virginia and attending similar meetings. Camp cautioned that developers often prioritize profit over community well-being, noting the lack of common sense in the HopeTree project. She highlighted that the city needed to focus on fixing streets rather than spending money on the development, which she believed was an ill-conceived idea. Camp also mentioned the need for services for children impacted by addiction, expressing concern that HopeTree would not address that need. She concluded by reiterating that the streets needed repair, not more development, and shared her fear about the safety of the community, particularly for her grandchildren.

Jesse Cook, a resident of 301 Kessler Mill Rd., agreed with the concerns about traffic but believed that the development would ultimately have a positive impact on the community. Cook mentioned the traffic patterns along Main Street, noting that there were several exits in the area that could mitigate congestion. He explained that property values typically increase when developments like HopeTree are introduced, and that the development would likely benefit local businesses, including those on Main Street. Cook argued that the experts who studied the project, such as Balzer and others, had done their due diligence, and the council should trust their findings. He stated that the development had already been approved, and minor procedural concerns should not delay progress. Cook urged the council to approve the development, asserting that it would be a net positive for Salem and its residents. Michael Lane, a resident of 422 Academy St., expressed concerns about the lack of information provided to the community regarding the development. Lane, who had recently purchased a home on Broad Street, shared his experience with water drainage issues in the area. He explained that there was a waterway near his home that had been rising during recent rainstorms, and he had built a berm to prevent flooding. However, he feared that the water level would soon overwhelm the berm, causing significant damage to homes in the area. Lane criticized the development for not addressing the water retention issues, noting that it would exacerbate flooding problems for nearby properties. He urged the council to reconsider the project, suggesting that they think like developers and consider the impact on surrounding residents. Lane concluded by recommending that the council slow down the process and allow the new commissioners to review the project in detail before proceeding.

Susan Bentley, from 312 N Broad St, expressed her appreciation for the opportunity to speak to the Planning Commission and City Council. She stated that she would not repeat the reasons she has already shared in previous public hearings about how the

rezoning application for HopeTree could harm the North Salem community, as these concerns have already been voiced by her and many other citizens, and as was reiterated in the current meeting. She shared some observations and raised questions. Mrs. Bentley expressed gratitude for Mr. Morris's explanation about why HopeTree had resubmitted the application, but she mentioned that she wished she had been informed about the resubmission sooner, as she had only learned of it two weeks prior. This led her to question why a public hearing had not been scheduled immediately after August 30th, given the concerns expressed by those most affected by the rezoning. Mrs. Bentley felt that the process seemed neither open nor transparent, and suggested that the rushed vote in November and December might be politically motivated. She questioned why procedural issues, such as the incorrect notification raised in the February 14th public hearing, were not addressed earlier, particularly when some newly elected City Council members were against the rezoning. She stated that while the meeting tonight might fulfill the legal requirements to correct procedural errors, it did not reflect the collaborative, transparent spirit that she believed the City Council should embody. Mrs. Bentley also expressed disappointment that, over the years of discussion between the city and HopeTree, there had been no town hall meetings for open conversation, as public hearings were one-sided. She concluded by quoting 13th-century poet and Sufi mystic Rumi, who said, "Out beyond ideas of wrongdoing and right doing, there is a field. I will meet you there." She emphasized that there was still an opportunity to meet in that field and engage in meaningful dialogue.

Michael Bentley, who lives at 312 N Broad St with his wife, also spoke. He explained that he had already submitted his comments to the Planning Commission and City Council in writing, so he would not repeat them. However, he spoke as a retired science professor and brought attention to some rarely considered facts. He noted that the 2040 Comprehensive Plan did not seem to adequately address key issues like resilience and preservation, as the Salem website lacked detailed information on it. Mr. Bentley pointed out that a survey for the 2040 plan revealed that 40% of respondents considered proximity to nature a desirable strength of the city, and that over 50% prioritized renovating public spaces while more than 70% recommended reducing traffic congestion. He emphasized that these concerns were not limited to the immediate area around the HopeTree project. He then brought up environmental concerns, citing the record-breaking heat in July and the drought affecting most of the country. He also shared a personal connection, mentioning that his son, Matthew, who lives in Asheville, had been affected by Hurricane Helene, which left the city without potable water. Mr. Bentley expressed concern that Salem was not immune to similar disasters and pointed out the environmental impact of constructing the PUD, noting that each ton of concrete used produces one ton of carbon dioxide. He concluded by stating that this project would be costly for the climate.

Becky Mullins, from 702 N Broad St, shared her concerns about the need for more time for communication, traffic studies, and consideration of water drainage, especially in light of climate change. She urged that the process be slowed down so that the community could engage in more thoughtful discussions.

Cynthia Munley, who lives at 425 Roanoke Boulevard, introduced herself as someone who had been involved in several controversial issues in Salem since 1986. She spoke about the changes she had witnessed along the Boulevard, noting that it has always been a mix of commercial and residential areas, with the residential component helping to maintain its charm. Mrs. Munley expressed concern that the current process felt rushed and pointed out that it was unusual to have a double hearing. She questioned why the new City Council could not take time to consider the project. She also highlighted the significance of democracy and the importance of reflecting voters' decisions, as new elected officials were in place. Mrs. Munley recalled the positive decision-making process surrounding the sale of Oakey Field, where City Council listened to citizens' concerns and changed their decision. She hoped the same level of responsiveness would occur regarding the HopeTree rezoning. She emphasized that the traffic issues related to the development would disrupt the peace that residents currently enjoyed and that the construction could continue for many years, unlike the shorter duration of previous projects like the Cregger Center. Mrs. Munley called for a reconsideration of the project to maintain trust between citizens and City Council and avoid another potential mistake, like past decisions related to the water tower and the Salem water treatment plant.

Justin Davis, from 300 Live Oak Court, spoke without prepared remarks but expressed his deep concern about the ongoing development in Salem. He mentioned his background as a lifelong Salem resident and shared his personal experiences, such as his teenage daughters driving on Red Lane, which he described as a narrow road. Mr. Davis noted the changes in the zoning commission and emphasized that some of the new members had no previous experience with the project. He particularly addressed Mr. Jones, the deciding vote, urging him to consider the long-term impact of his decision on the community. Mr. Davis stressed the importance of prioritizing the interests of Salem residents, particularly those from his neighborhood, and urged the decision-makers to slow down the process to allow for more thoughtful consideration.

Lionel Etheridge, who now resides in Columbus, Ohio, spoke on behalf of his 95-year-old mother, who lives at 956 Stonegate Drive in Salem. Mr. Etheridge explained that he was representing his mother's concerns, as she was unable to attend the meeting. He shared his personal history with the area, recalling how his parents had moved to Salem in 1951. Mr. Etheridge expressed his opposition to the proposed development due to its density, traffic concerns, and other issues that had already been raised by other speakers. He emphasized that development in the area should be approached carefully, considering both the process and substance of the proposal, and reiterated that his family did not support the current plan.

Chair King closed the public hearing at 8:54p.m.

C. Special Exception Permit

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).

Chair King asked if there were any questions from the Commission. When there were none, she raised a question. She mentioned that one of the speakers had stated that at any time the property owner could simply install a second utility box without any reference or permission from the city, and inquired whether that was correct.

Ms. Wines responded, stating that if someone wanted a new utility service, they would need to go to utility collections and get approval through the office to install a separate meter.

Chair King thanked Ms. Wines for the clarification.

Vice-Chair Garst referred to a previous discussion during the work session about the possibility of future rental of the property. He asked Ms. Wines to speak to the legality of that.

Ms. Wines replied, explaining that currently, accessory dwelling units and short-term rentals were not allowed. The only allowable use for the accessory apartment, she noted, was for a family member, not for rental purposes.

Vice-Chair Garst asked if rental would still be prohibited under code in the future, even if the property were to be sold.

Ms. Wines confirmed that this was correct, emphasizing that the only way the accessory apartment could be utilized was for a family member.

Chair King thanked Ms. Wines for the clarification and asked if there were any further questions or comments from the commissioners.

There being none, Chair King proceeded to entertain a motion on the special exception permit.

Jackson Beamer motioned to approve. Reid Garst seconded the motion.

Ayes: Denise King, Reid Garst, Jackson Beamer, Nathan Routt, Mark Henrickson

Nays: None

Abstaining: None

D. Amendment to the Zoning Ordinance

Consider 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.

Chair King asked if there were any questions from the Commission. Hearing none she entertained a motion.

Reid Garst motioned to approve. Jackson Beamer seconded the motion.

Ayes: Denise King, Reid Garst, Jackson Beamer, Nathan Routt

Nays: Mark Henrickson

Abstaining: None

E. Simms Farm Section 3

Consider the request for preliminary and final approval of the proposed subdivision plat filed by Simms Property, LLC., property owner/developer, for an 8.4 acre tract known as Simms Farm Section 3.

Chair King asked if there were any questions or comments from the commissioners. She then raised a question, referring to a request from a citizen regarding the sidewalks and proffers. She noted that the subdivision map submitted did not include that information but clarified that it would appear on the development plan itself.

Ms. Wines responded, confirming that this was correct. She explained that the site plan, which had already been conditionally approved, included details about the sidewalks, street trees, and other amenities as part of the master plan. The site plan would be approved administratively at that level.

Chair King then inquired if the proffers were still in place.

Ms. Wines confirmed that the proffers were still in place and that they were checked at the site plan level and again for each individual building permit application.

Chair King thanked Ms. Wines.

Reid Garst motioned to approve. Mark Henrickson seconded the motion.

Ayes: Denise King, Reid Garst, Jackson Beamer, Nathan Routt, Mark Henrickson

Nays: None

Abstaining: None

F. December 11, 2024, Planning Commission meeting.

Consider the cancelation of the December 11, 2024, meeting due to the lack of items for the agenda.

Chair King inquired if there were any items for the December agenda.

Ms. Wines responded that there were none.

Mark Henrickson motioned to approve. Jackson Beamer seconded the motion.

Ayes: Denise King, Reid Garst, Jackson Beamer, Nathan Routt, Mark Henrickson

Nays: None

Abstaining: None

4. Old Business

A. Amendment to the City Code - Chapter 106, Zoning

Consider amending Chapter 106, Zoning, Article IV Development Standards, section 106-406 miscellaneous provisions of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to storage containers. (Public hearing was held September 11, 2024.)

Staff noted the following: In the September 2024 Planning Commission meeting addressing storage containers, staff noted the following:

Throughout the past several years, storage containers (also referred to as shipping containers) have become increasingly prevalent as businesses seek cost-effective and efficient repositories for their excess goods, equipment, or inventory. Staff has learned through numerous conversations with commercial and industrial enterprises that storage containers are critical to their business operations, as they provide additional space that is flexible, durable, protected from the elements, and relatively inexpensive.

While storage containers clearly have a valuable use-case for many non-residential purposes, their appearance can also detract from the character of commercial corridors if not maintained appropriately. Rust, graffiti, and other forms of deterioration can have a negative impact on the aesthetic environment of major commercial districts that are important to the presentation and ultimate vitality of the city.

To provide a bit of background on historical storage container regulation, containers were not regulated by city code prior to 2017. In 2017, the city adopted an ordinance permitting storage containers on a temporary basis; however, that provision currently does not allow for the permanent keeping of storage containers on any property.

This proposed storage container ordinance excludes storage containers utilized for temporary purposes, located in the right of way, used for occupancy as approved by the Uniform Statewide Building Code, or utilized in conjunction with an active building permit. This section introduces numerical (for commercially zoned properties) and locational (not to interfere with parking, landscaping, stormwater, etc.) restrictions for storage containers everywhere in the city. For properties located on specified major corridors, this ordinance requires storage containers to be painted a neutral color, maintained properly, and placed behind the front building line.

At the conclusion of that meeting, staff was directed to perform additional research to try and refine the proposed regulations regarding storage containers. After consulting regulations adopted in September of 2024 by the City of Norfolk, extensive tabulation and evaluation of existing containers, and feedback from Planning Commissioners, staff has proposed a new ordinance to address storage containers. The changes from the previous draft are summarized by the following highlights:

The numerical limitation on storage containers is now based on primary street frontage instead of acreage. This change is anticipated to more appropriately scale the allowable containers to properties along Salem's major corridors. Industrial properties are still exempt from a numerical limitation.

- 1. Containers on major corridors must be placed on a surface consistent with the development standards in our zoning ordinance. In other words, containers will have to be placed on asphalt, concrete, or engineered gravel (as approved by the City Engineer).**
- 2. The colors "black" and "white" have been removed from the permitted shades of acceptable neutral colors.**
- 3. A stipulation has been added to require parcels with multiple containers to situate them in a side-by-side fashion.**

Chair King stated that the public hearing for this item was held on September 11, 2024. She inquired if there were any questions or comments from the Commission? Hearing none she entertained a motion.

Nathan Routt motioned to approve. Mark Henrickson seconded the motion.

Ayes: Denise King, Reid Garst, Jackson Beamer, Nathan Routt, Mark Henrickson

Nays: None

Abstaining: None

5. Adjournment

Having no further business before the Commission, Chair King adjourned at 9:12p.m.