



**PLANNING COMMISSION
MINUTES
Wednesday, March 12, 2025**

Work Session, 5:30 PM, Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia 24153
Regular Session, 7:00 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order

A work session meeting of the Planning Commission of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, at 5:30 p.m., on Wednesday, March 12, 2025, there being present the following members of said Commission, to wit: Denise P. King, Reid Garst, Mark Henrickson, Jackson Beamer and Nathan Routt, constituting a legal quorum, with Chair King, presiding; together with Christopher J. Dorsey, City Manager and Executive Secretary, and 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, Lisa D. Browning, Codes Compliance Investigator and Jim H. Guynn, Jr., City Attorney; and the following business was transacted:

Chair King called to order at 5:30 p.m. and reported that this date, place, and time had been set in order for the Commission to hold a work session.

Mary Ellen Wines introduced the new Codes Compliance Investigator, Lisa Browning, to the Planning Commission members.

2. New Business

- A. Comprehensive Plan Update
- B. 2381-2383 Roanoke Blvd.
- C. 1906 Mill Ln. & 1400 Blk. Penley Blvd.
- D. Simms Farm

3. Adjournment

Chair King adjourned at 6:52 p.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 Council Chambers, City Hall, 114 North Broad Street, on Wednesday, March 12, 2025, there being present the following members to wit: Denise P. King, Reid Garst, Mark Henrickson, Jackson Beamer; and Nathan Routt, constituting a legal quorum, 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, Lisa D. Browning, Codes Compliance Investigator, 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 the regular meeting.

A. **Pledge of Allegiance**

2. Consent Agenda

A. **Minutes**

Consider acceptance of the minutes of the January 15, 2024, work session and regular meeting.

Chair King asked if there were any corrections or additions to the minutes from January 15, 2024, work session and regular meeting. No changes were suggested, and the minutes were accepted as presented.

B. **Cancellation of February meeting**

Chair King reported that the Commission did not meet in February due to no items being on the agenda.

3. Old Business

No old business was reported.

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing and consider the request of Cliff Family Trust or Assigns, Contract Purchaser, to rezone the property located at 2381-2383 Roanoke Boulevard (T/M# 225-2-6.1) from HBD Highway Business District with Conditions to HBD Highway Business District.

Staff noted that the subject property located at 2381-2383 Roanoke Boulevard (T/M# 225-2-6.1) was rezoned before the current zoning ordinance with a condition on the property that said it would revert to B-1 should it ever cease to be the Disabled American Veterans Meeting Hall and Thrift Store. The City of Salem no longer has a zoning district B-1; therefore, the petitioners have asked to remove that condition and allow the property to stand as HBD Highway Business District.

Chair King asked if anyone was present to speak on behalf of the applicant. Mr. Jonathan Martin of 105 Downing Place, Apex, North Carolina 27502 asked to speak on behalf of the Cliff Family Trust. Mr. Martin stated that he came to the Commission today as they have a contract to purchase the property which was previously occupied by the Disabled American Veterans and is currently vacant. As part of their due diligence, it was learned that there are conditions associated with the property which would prohibit them from repositioning it into a neighborhood center which would be their goal should they acquire the property. The conditions in the zoning code are written specifically to the Disabled American Veterans' use for the space limiting it to either a thrift store, a meeting hall or a club. The conditions also mentioned improvements which were required when they took occupancy. As mentioned, the Disabled American Veterans have vacated and have been marketing the property. Their hope is that the Commissioners will consider rezoning the property from HBD Highway Business District with Conditions to HBD Highway Business District. The applicant stated that they feel this part of Roanoke Boulevard would benefit from having a neighborhood center. If there are any questions about the plans or the conceptual design, please let them know and they will be provided.

Commissioner Henrickson inquired about how many tenant spaces they are hoping to have.

Mr. Jonathan Martin stated that, at this time, the building consists of 9,000 square feet total, divided into three 3,000 S.F. suites. Right now, they would leave the building as is depending on leasing. As part of their work, they would come with formal plans and upgrade or alter the good majority of the front and exterior, however, he did not know if they would change the footprint, depending on leasing and what tenants approach them. If they did, they would come with formal plans.

Commissioner Henrickson asked if they had any prospective tenants at this point.

Mr. Martin stated that they do not, however, the design that was provided is what they are targeting, but they do not really know until they lease it.

Chair King inquired as to who would be responsible for maintenance of the property, the owner or the tenants.

Mr. Martin stated it would depend on the lease structure and what is agreed on within the leases. He would assume there would most likely be a triple-net lease where they would be responsible for maintaining the property. The applicant would probably do self-management; however, the tenants would be responsible for maintenance at the property.

Chair King stated that the concern when inspecting the property was a shed located at the back which looked like at one point it was probably locked. It was not locked on that day and the doors were standing open. This is a concern, especially with an owner who resides out of town and the concern of who would be there to make sure that the property is maintained.

Mr. Martin stated that within the purchase contract is a condition that the shed and a couple other sheds actually be removed prior to their closing.

Chair King asked the applicant if they were aware that the business to the east of the building towards the City of Roanoke is currently parking vehicles on the property.

Mr. Martin stated that he had seen vehicles there, but that he was not sure who they belonged to. As part of their due diligence, having visited the property a couple of times, he had seen vehicles there. If the Planning Commission would like, he can certainly make a request to the current owner to remove them.

Chair King stated that is not a problem for the Planning Commission but did not know if the applicant understood that they actually belonged to the other business.

The applicant thanked the Commission for letting them know because he did not know who the vehicles belonged to.

Chair King asked if there was anyone else present to speak on this matter.

Mr. Chris Marlman of 2244 Bainbridge Drive addressed the Commission. Mr. Malman stated that his property backs up to 2381-2383 Roanoke Blvd. and there have been several occasions where he has taken care of the upkeep behind the building where weeds and grass have overgrown. Mr. Malman stated that there has been a lot of activity in the past that has gone on behind the facility and he has had to call the non-emergency number several times because people would hang out. In the past, there were people living there in the Connex containers which have since been removed. The concern is what type of facility the applicant would like to put there and what would be their responsibility to the residents living on the backside of the property. He stated that he

had planted trees which face the backside to try to block some of that activity because there is traffic that is in and out of the property all the time. Just two weeks prior, alarms were going off inside of the building and he had to contact whoever was responsible for selling the building and they contacted people to come and shut off the alarms. The fire alarms and all kinds of other alarms were going off inside the building. Mr. Malman can hear them when he is outside on the back porch. It has been an inconvenience for those living there and he has lived there for probably 12 years. He stated that there were very few people to get ahold of at that time to try to take care of some of the issues they were having because the property changed hands quite a few times as far as who was in charge of the facility. There was trash being dropped back there, people would come back there, go through all the containers, throw trash on the ground and leave it a mess. He asked if that would be taken care of with the tenants that are moving in, would the residents have people to take care of issues if they had them and how to get in touch with them.

Commissioner Henrickson asked if Mr. Martin would like to address these issues.

Mr. Martin stated that they would be a proactive property manager and would have landscaping and parking lot sweeping as necessary. Mr. Martin stated that they do not know which tenants would be occupying the space, however, they see them as service-oriented tenants that would serve the neighborhood and the campus across the street. To answer the gentleman's question, they are a very proactive property management company and would be on top of those issues.

Chair King asked if the property manager would be located in Salem or in the Roanoke Valley. She asked if this is someone, if a phone call was made, would be able to be at the property within a reasonable time.

Mr. Martin responded that he, being based in North Carolina, would be the property manager. This is his full-time job, however, if the caller felt that it required it and if issues did pop up, they could hire somebody that could be local. He stated that within a triple-net lease structure, the tenant is going to be responsible for certain things as far as maintenance and upkeep specifically. As the manager of the property, they would make sure there is proper landscaping and maintenance.

Vice-Chair Garst asked about the picture provided that showed potential shops such as a coffee shop, pet shop, yoga or sandwiches. So, he asked if these will be multiple businesses. He asked if they would have a triple-net lease with each one of the businesses.

Mr. Martin responded that each one would be a specific triple-net lease.

Vice-Chair Garst asked who would maintain the entire property.

Mr. Martin responded that the applicant would set up any landscaping or services, however, the tenant would reimburse them as part of a reconciliation at the end of the

year for those services. The applicant would do the property management as well, but they would have local landscaping or whatever services were needed.

Vice-Chair Garst asked if the applicant would be responsible, and if the tenant would be responsible based on their square footage share or some other measurement.

Mr. Martin responded yes to that question.

Chair King asked to make sure that the purchase contract stated that the shed(s) will be removed as part of the contract because her concern was the same as the resident on Bainbridge Drive.

Commissioner Beamer asked if the purchase is contingent upon approval.

Mr. Martin responded that the contract is contingent upon approval.

Commissioner Beamer asked if the Disabled American Veterans had the whole building.

Mr. Martin answered affirmatively.

Chair King asked if there were any further questions or if anyone else was present to speak on this matter.

The public hearing was closed at 7:12 PM. Chair King asked for questions or comments from the Planning Commission. Hearing none, she entertained a motion. Commissioner Routt made a motion to approve the amendment, which was seconded by Commissioner Beamer. Upon a roll call vote, the same stood as follows:

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

Chair King explained that the Planning Commission is a research and recommending body to the City Council. This has been approved with a 5-0 vote and will now go to City Council. Attendees will need to appear at the City Council meeting when this is on their agenda. They will be notified once it has been placed on their Agenda.

B. Public Hearing for Amendment to the Zoning Ordinance and Special Exception Permit

Hold public hearing for the request of R. Fralin Development Corp. & Simms Property, LLC, property owners, to amend rezoning Ordinance #344 and to amend the Special Exception Permit by removing proffer #4 relating to the maximum height of 1.5 stories for structures constructed on cluster lots for the

properties located at 113 Parker Ln (T/M #273-3-4), 117 Parker Ln (T/M #273-3-5), 121 Parker Ln (T/M #273-3-6), 125 Parker Ln (T/M #273-3-7), 129 Parker Ln (T/M #273-3-8), 133 Parker Ln (T/M #273-3-9), 137 Parker Ln (T/M #273-3-10), 141 Parker Ln (T/M #288-3-12), 142 Parker Ln (T/M #288-3-11), 134 Parker Ln (T/M #288-3-9), 130 Parker Ln (T/M #288-3-8), 126 Parker Ln (T/M #288-3-7), 122 Parker Ln (T/M #288-3-6), 118 Parker Ln (T/M #288-3-5), 114 Parker Ln (T/M #288-3-4), and 211 Diamond Rd, (T/M #272-2-1).

Chair King asked for any comments from Staff. Staff noted the applicant was requesting the removal of that condition, as Mr. Light had stated, for the two cluster blocks that were included as part of the original rezoning and special exception permit. The proffers included on the rezoning are the exact same as the conditions placed on the special exception permit. Staff has had several inquiries as to what the request was for and did have one neighbor that contacted staff to voice his concerns over the request.

Chair King opened the public hearing at 7:15 p.m. and asked for the applicant to speak first.

Mr. Brian McCahill of 5211 S. Concourse Drive, Roanoke, VA 24019, COO of R. P. Fralin Inc. addressed the Commission. He stated that Gwen Phillips, Operations Manager, is present as well. She will be delivering a presentation prepared to update the Commission on progress in the community and explain the rationale for the request and try to answer questions from the public as well as the Commission. His main comment was to state that the request is all about meeting market demand. The applicant has no objection to building the 1.5 story homes that the proffer requires. There are certain lots where they are finding the market would like to see two story homes. They have had a lot of success, particularly in Glenvar, with this kind of housing product. They are selling quickly, and he thinks the applicant can meet the demand in Salem as well if they are able to build products like that. Gwen Phillips manages their sales and a lot of their home operations.

Gwen Phillips of 5211 S. Concourse Drive, Roanoke, VA 24019 addressed the Commission, thanking the Commission for consideration of their application. She has been with the R. P. Fralin organization for about 5 years and was not present at the initial request. She is the Interim Sales Manager and gets to work with the Property Management Division on a lot of their customer facing roles within the organization. She has participated in many requests such as this to provide much needed housing to the community. Wanting to provide more information about who they are as an organization, she stated the name is R. P. Fralin Inc. and their mission and values are to provide their customers and employees with quality and value to their clients with integrity and to foster an atmosphere where all grow professionally and personally. The organization's beliefs are choosing to go positive, they should listen to others' ideas, thank you goes a long way, and it is not about them. R. P. Fralin Inc. introduction is they are a regional real estate developer based in Roanoke, Virginia. They employ approximately 40 employees, and the breath of their force comes from their subcontractors. They have over 300 workers by way of their subcontractor activities. They are the builder that employs lots of companies locally that help to build their product. Their expertise is in real estate acquisition, land development, home building and luxury apartment communities. They

have developed over 1,500 residential lots, have built over 2,000 homes, and have built and retained 10 luxury apartment communities with six under construction. They have also built and retained a plethora of commercial buildings. They have a diversity of products and also a diversity of locations so they can offer that as experience. Being familiar with the Simms master plan, this is an overview of what the full project will eventually look like, as they work through current and future phases bringing it to the market. Ms. Phillips stated that their request is simple. When originally rezoned, the applicant proffered 8 conditions. Since then, they discovered that it would be a benefit to the market and future citizens to request to remove Proffer #4 which is restricting their cluster lots to homes with a maximum of 1.5 stories. This request only impacts 31 total lots of the full master plan. There are 10 unbuilt lots in the current Section 1 that are ready to go and 20 undeveloped lots in future Sections 3 and 4. In reference to the above stated presentation, they are looking at 10 in Phase A which is towards the bottom right and then the full cluster section of Phase E, both circled in purple. In comparing the lots, the applicant is asking to remove Proffer #4 versus what has been completed in the Simms Farm community so far, it is a little section indicated on the presentation and what remains in Section 1 that they can offer to the market soon. In referring to a drone video of what is currently in the Simms Farm subdivision, she indicated that the video gives a real picture of what is there. She stated that they are here to speak firsthand that the market really wants a 2-story home. The market really wants to be able to move their family and have that extra space to grow. They have found the market that 2 story family homes typically serve is underserved, but not to the exclusion of what they are currently building. They are still able to build the 1.5 story plan but would like to offer the 2 story plans. In summary, she stated that removing Proffer #4 enhances their ability to serve the market demand. She provided an overview of some of the plans that would be proposed to meet the lot conditions. They are looking at 1,800 to 2,000 S.F. on basements with about 900 S.F. available to finish or storage space, depending on the need. Most are going to contain 4 bedrooms and 2.5 baths.

Vice-Chair Garst questioned whether the market needs are not being met as it seemed like they were selling the 1.5 story houses.

Ms. Phillips stated that the 1.5-story homes are selling by default because it is a location that they want but is not as much space as preferred.

Vice-Chair Garst asked how many 2 stories are going to be built outside of the cluster.

Ms. Phillips did not have the number.

Vice-Chair Garst asked if this is 170 give or take units.

Commissioner Henrickson responded 140+.

Mr. McCahill stated that it would be a 50/50 mix. A lot depends on the topography of those sections, so lots that are relatively flat, they build 1 to 1.5 story homes. Most folks that buy those homes do not want steps or storage space in the basement. Lots that are sloping would take on 2 story homes. Within the cluster lot, the applicant is still designing the future sections, but he can state that 3, 4 or maybe 5 of the remaining Section 1 lots could be 2 stories. They would be completely finished with that section right now if they

had Proffer #4 removed. People are buying them, but it is slow because they are not able to serve that demand. They can build more modest 2 story homes in the cluster lot section to get to a lower price point than they can in the rest of the Simms Farm plan.

Mr. John Breen of 142 Bogey Lane appeared before the Commission and stated he did not think it was fair to confront 25 minutes of presentation with 3 minutes. Mr. Breen voiced the following concerns. He stated that by any rational measure, allowing 2 story homes on the cluster lots sets an undesirable precedent and outcomes and empowers an undesirable developer. Proof positive, look at the Better Business Bureau. A proffer that was geared to protect the surrounding neighborhood and predicate the cluster area approval would not be enforced. Fralin even ignores the Salem code for Section 1 landscaping. Two story homes are not affordable housing and not at all what was promised when the cluster overlay was approved. Fralin's current existing 2-story homes are in the \$535,000 to \$550,000 range. The cluster homes are \$80,000+ less. Two story homes on tiny lots favors only the developer's profits. He stated that they offer nothing positive to the school system. Two story homes attract kids. The estimated property taxes for the 2 story homes that Fralin built is \$4,500 per home versus \$11,000 cost per student to our school system. The Fralin request lacks any benefit to Salem or any desirable basis for approval. Fralin has already sold half of the lots in Section 1 as 1.5 stories. Several of these have sold in the last 120 days. Aside from the foregoing concerns, Mr. Breen stated that the Fralin application seeks to remove the proffer from 211 Diamond Road. This address is indicated on Salem's GIS site as the address for 53.29 acres. This is an obvious effort to set up this acreage for more tiny lots with 2 story homes. Parker addresses which are on the application as 113, 118 and 122 are either mostly built or under construction so why would there be a need to remove Proffer #4? Of the lots in Section 1, 22 have already been sold and constructed as 1.5 story homes. This demonstrates 1.5 story homes are marketplace viable. As a citizen of Salem, I cannot tell the Commission more. I stood here 5 years ago to stop Salem from approving Fralin. Mr. McCahill stood here and lectured for 25 minutes on several occasions about how great the 1.5 story homes would be. It's time he sticks to his promise and proffer fully.

Mr. Wesley Trent of 98 Upland Drive appeared before the Commission and stated that he had voiced his opposition to this project from the beginning. He listened to everything that the applicant had to say, telling them what they were going to do, and they hadn't done it yet. The proffers that are in place right now like starting at certain times of the morning have not been followed. The proffer of stopping in the afternoon has not been followed. The trees that were planted along Upland Drive are all dead. The amount of work cutting grass or chemically burning the grass off. The City of Salem had to come in and clean it up because they blew it all into the street. Mr. Trent stated that he does not understand why the Commission would allow additional proffers to be lifted when Fralin cannot follow the ones he is doing. Mr. Trent stated he opposes the proffer to be removed.

Mr. Mike Fisher of 66 Upland Drive appeared before the Commission. Mr. Fisher is located directly across from the development and stated that Mr. Fralin's request to have the proffer removed hit home when he found out about it. Mr. Fisher stated that he was part of the process at the onset 5 years ago when this happened with the Planning Commission, with the City Council meetings and the community meetings with Mr. Fralin at the American Legion buildings. He was involved with everything that he could possibly

could because he knew the Simms family very close and personally. Mr. Fisher got involved and was worried about the site distances, etc. He took an active role in the first planning commission and the City Council meeting. He looks at the proffer and this proffer was put in place very specifically. There is a reason that this proffer was put in place. Mr. Fralin, back in 2019 when this whole thing was starting for the rezoning, his pitch to the public was that we need housing for the City of Salem for single people, married couples without children and we need small cluster homes. Mr. Fisher indicated he was only speaking about the cluster lots. Mr. Fralin stated that we need homes for senior individuals who do not want to climb steps and retirees. That was Mr. Fralin's pitch for wanting to have cluster homes. That hasn't changed today. We still need homes for those people. Mr. Fralin or his people are now saying that times have changed. We need 2 story homes on these small lots, and we need to have them for children, but Mr. Fisher didn't hear anything tonight about the single people, the married couples without children or the retirees and that is why Mr. Fralin wanted to make cluster homes back in 2019-2020. Once the development was passed, Mr. Fralin has come in and developed that area and he has really developed that area. He has moved all over to make that development. Mr. Fralin is the one that came up with his plan for how he wanted this area to look. The City of Salem directed that, if he was going to have cluster lots, they would have to be this size. He built those lots at his absolute minimum that he could get by with under City code. In this cul-de-sac that he has built on Parker Lane, when going down around the back, the lots are bigger. The first house Mr. Fralin built there on Parker Lane, 101 Parker Lane, is 1,623 S.F. It has 3 bedrooms and 2 baths on a slab. Ideally, this is what we thought when Mr. Fralin presented this to the Planning Commission and City Council back in 2019, just like he showed these pictures tonight. They have shown these pictures tonight of 2 story homes. They showed us 1.5 story homes. They looked nice and Mr. Fisher liked the homes. He built the first home up there on a slab. Mr. Fisher went up there and he said this is going to be nice because this is what we are going to have. Again, that house is 1,623 S.F. He built a home across the street at 110 Parker Lane that is a "1.5" story home. It is 1,302 S.F. with 3 bedrooms and 2 baths and has a basement garage. Mr. Fisher thinks that when Mr. Fralin states that he needs 2.5 story homes and putting in garages, something that he is doing 1.5 story on, that someone could, if they bought that house, make rooms in the basement. He is using it for a garage and making a small house. Going down into the cul-de-sac at 138 Parker Lane, Mr. Fralin has a little bit bigger lot. This home is 2,523 S.F. Mr. Fisher stated all of this information is from the City of Salem GIS website. This is a 3 bedroom, 2 bath with garage and has a basement. This house is within eyesight from Mr. Fisher's home. They have put a fence up since then and he only sees half the basement. He stated that it is an appealing house. His argument is that Mr. Fralin was designing this neighborhood. If Mr. Fralin can go in that cul-de-sac with a bigger lot and put in a 2,500 S.F. home, he had the opportunity to do this when he was making cluster lots. He could have made the homes bigger; he could have accommodated more square footage and could have taken of what he is asking for today. What he asked for back in 2019 and 2020 was for the singles, the married couples, the elderly people and the retirees. That has not changed today. As indicated in the packets he submitted to each person with pictures, when he saw the pictures and 101 Parker Lane go in, this would be a nice footprint on this street and cul-de-sac. The homes are all flat, they are 1.5 stories like he said. When Mr. Fralin went across the street, he

added a basement. Now when we go up Upland Drive, we see 2 and 1.5 stories of home from the back. Mr. Fisher's argument at the beginning was they did not want to see the back of people's homes and we asked for trees that would obscure the view where they did not have to see them. If Mr. Fralin, in his development and he is the one that moved the earth, was being a good neighbor to the neighborhood, he could have moved the earth to accommodate a 1.5 story home where they didn't have to see the back. That was his land, and he has elected, by what Mr. Fisher heard tonight, because the topography caused the problem, but Mr. Fralin had the opportunity to change the topography and he did not. Now, we have to look at 1.5 story homes. That is not what we wanted. This was all done. The proffer was put in place by the City of Salem City Council with the approval of Mr. Fralin and the approval of the Simms Family. It was very specific. Nothing has changed from what he wanted before to what it is today. There are plenty of developments. There is one coming before the Commission tonight about a new development wanting cluster homes. There is an opportunity where, if it needs to be done, and the Commission approves, a location where we can do it. This Simms location is specific. This was a neighborhood, everybody here knows how the opposition and tensions were, but it passed. We lived with it but when he started putting the back of homes in our faces, 2.5 stories to look at, that was disheartening and not what he thought to see. Had he known we would be looking at that, he would have stressed those points back in the first process. The only other issue Mr. Fisher has is that we need trees. We do not want to see the back of homes. In the City of Salem, we did not have any subdivisions backing up to main roads. The first one that did happen was Mr. Fralin's development on N. Mill Road. Four homes. That was the first time it happened. Nowhere else in the City of Salem, so this was happening. Mr. Fisher asked to please give us something where we did not have to see it. Trees were put in place. In the planning phase, he has a copy of it and has spoken to Max Dillon who has helped him through it and thank you so much. It was planned for Green Giant arborvitae. I have Green Giant arborvitae in his yard. He planted them for the simple reason that he did not want to see his next-door neighbor's house. He planted them and a Green Giant arborvitae from the Arbor Foundation will grow 40'-60' tall. Loved when he saw that in the plans. When the final plan came out, it dictated that they would put 25' Emerald Green arborvitae. The Arbor Foundation states that an Emerald Green arborvitae at its maximum height will be 15' tall. That will not cover anything up that they are seeing now, 2.5 story homes from the back. How that got changed in the process, he does not know. The planners, or whoever was putting this together, knew that was an issue and somebody made a comment that it was going to affect the powerlines. Mr. Fisher stated that he lives there, and he can see it and has them in his yard. Of the tree line that is planted there, a 40' Green Giant arborvitae would not cause any problems at all. Mr. Fisher voiced his opposition, and nothing has changed since 2020. He opposes this and hopes the Commission will take this information into consideration.

Mr. Buddy Killinger of 201 Homeplace Drive appeared before the Commission and stated he is located on the private road part of Homeplace Drive, on the north end of Simms Farm, going down his driveway 600'-700'. His concern is the buffer that Mr. Fisher was just talking about. He will be looking at the back of all these homes, there is no changing that. He took it upon himself 2 years ago and planted 100 trees down his driveway to give the trees a chance to grow so they are not looking into the back of the houses.

Unfortunately, that is not the view that they want. The trees are more like a bush and will not grow any more than they are growing. He has lived there for 30 years. On McVitty Road, the house that has the pond behind it, has the same trees that have been there for 30 years. They look the same. They might be a little taller, but all are half dead. This is not covering up anything. It is not a buffer. Mr. Killinger looked up buffer in the dictionary and this is not a buffer. He did not know if he would live to see the development get over to him. He stated that hopefully, the City of Salem will hold them accountable and protect the neighborhood. He stated that it is horrible looking into the back of someone's house.

Ms. Stella Reinhardt of 213 North Broad Street appeared before the Commission and stated that she is from a different neighborhood. Her concern is the precedent that gets set. She did have a couple questions hopefully that could be answered. With the homes, because of the topography we have been told, will have garages in the basements, but not necessarily mandated garages. When requesting to change a proffer from a 1.5 story home to a 2-story home, some of those will have basements as well. In effect, they would be 3 story homes. She asked if it was correct that you could finish a basement if it didn't have a garage.

Staff member, Mary Ellen Wines, Planning & Zoning Administrator, responded that when it is built as a basement, it is not considered one of the stories. Yes, they could finish the basement to have living space.

Ms. Reinhardt asked about the 52 acres that are yet to be developed. She asked if the proffer change request is applying to that to turn it into 2 story cluster homes as well.

Chair King responded that it is only the sections in the advertised information.

Ms. Reinhardt stated that there are 3 things from Fralin on the Agenda so that confused her.

Ms. Wines responded that there are 2 cluster blocks that were included in the master plan. The second section or second block has not been platted yet. It is part of the overall larger parcel, so the cluster only applies to that block with those several lots still in it, not to all the acreage that is left.

Ms. Reinhardt voiced her worry about what she referred to as "the shell game". As she pays attention to these things, the rest of Salem, and she always loved the Simms Farm. She did not hear about it until everything had been voted on and done. She was interested and questioned why she did not hear about that. Sometimes it feels like these things are happening behind closed doors, under the table and residents of the community do not hear about it until the very end. The Simms Farm neighborhood was fighting it vigorously, as she understands, but this was what was agreed on at the time, with these proffers to protect the neighborhood. She stated that she thinks, as she understands it by talking with people, they tried hard to get proffers that would protect them in certain ways. Ms. Reinhardt stated her concern is that this is special land and some of the approaches to it are on country roads that are narrow. Having a 2-story home that welcomes a family, having a 3rd story potentially for some of those homes, will increase the load of people on the roads, surfaces, traffic, sewer systems, school system, all of those things. There is an increase and that was not planned for originally. She thinks that it is important because

it was all discussed originally. She does think it is important for the developers to figure out their plans ahead of time. In her neighborhood of North Broad Street, they have been fussing that they were not included and the term "its an open sandbox" kept getting used. There were not enough proffers, there were not enough decisions made before it was rezoned. In this case, they did work hard to try to work with the City of Salem to try to get some of these proffers. If we do not hold the developers to their word, unless there is a real emergency, it seems that we are testing the bounds of the discussions that happened originally to protect the neighborhoods. We have kind of forgotten that conversation a little bit and forget why we did it and she does not like the idea that developers may come and say they are going to do this and its going to be beautiful and then they come back and change everything. Ms. Reinhardt voiced her opinion that the developers should be held accountable.

Ms. Chris McCart of 316 North Broad Street appeared before the Commission and stated she is not from that neighborhood, she does have to agree with Ms. Reinhardt. Her first point is that she would like the Commission to vote no on this for three reasons. The first point was the same that the Simms Farm was passed initially, and that proffer was placed there to appease the current residents at least somewhat so removing it now is like breaking a promise to a large group of citizens. The second issue is that Fralin states that 1.5 story maximum restricts their ability to accommodate current market trends and demands preferring 2 story homes for growing families. Later tonight, as part of your packet, Community Development notes that while Salem's comprehensive planning effort is still ongoing, countless community engaged conversations have included citizens desires for additional housing affordability, diversity and availability. High quality infill projects that accommodate the construction of smaller homes on smaller lots were described as desirable throughout the process. Ms. McCart questioned which is right. They have one developer saying we cannot sell small homes; we need big homes. Then we have another developer saying everybody in town wants small homes on small lots. She stated that the data is out there, and she encourages everyone to go find that data or put people in place to do that for them. She asked what is the true demand in Salem. Her third point was that Fralin states that with higher interest rates which are more commensurate with historical averages, the new home market is commanding more families and those experiencing household formation or simply want a larger new home. She stated it took her some time to understand what this means. Higher interest rates mean people want higher, bigger houses. Interest rates are higher, it costs more, so I can afford less of a house. She was trying to understand how this works and realized this is not about the homeowners. If you have Wall Street companies coming in and buying up large houses, increasing market rates when interest rates are going up is a good time to buy in, buy those houses and then rent them all. She asked if that is what Salem is wanting to do, or do we want homeowners that own their own home. For these reasons, Ms. McCart urged the Planning Commission to vote no.

The public hearing was closed at 7:49 PM. Chair King reported that 4C and 4D are actually two aspects of the same issue.

C. Amendment to the Zoning Ordinance

Consider the request of R. Fralin Development Corp. & Simms Property, LLC, property owners, to amend Ordinance #344 by removing proffer #4 relating to the maximum height of 1.5 stories for structures constructed on cluster lots for the properties located at 113 Parker Ln (T/M #273-3-4), 117 Parker Ln (T/M #273-3-5), 121 Parker Ln (T/M #273-3-6), 125 Parker Ln (T/M #273-3-7), 129 Parker Ln (T/M #273-3-8), 133 Parker Ln (T/M #273-3-9), 137 Parker Ln (T/M #273-3-10), 141 Parker Ln (T/M #288-3-12), 142 Parker Ln (T/M #288-3-11), 134 Parker Ln (T/M #288-3-9), 130 Parker Ln (T/M #288-3-8), 126 Parker Ln (T/M #288-3-7), 122 Parker Ln (T/M #288-3-6), 118 Parker Ln (T/M #288-3-5), 114 Parker Ln (T/M #288-3-4), and 211 Diamond Rd, (T/M #272-2-1).

Vice-Chair Garst made a motion to deny the amendment, which was seconded by Commissioner Henrickson. Upon a roll call vote, the same stood as follows:

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

Chair King explained the amendment request has been denied with a 5-0 vote. The amendment request will now go to City Council. Those in attendance will need to appear at the City Council meeting when this is on the Agenda. They will be notified when this has been placed on the City Council Agenda.

D. Special Exception Permit

Consider the request of R. Fralin Development Corp. & Simms Property, LLC, property owners, to amend the Special Exception Permit by removing condition #4 relating to the maximum height of 1.5 stories for structures constructed on cluster lots for the properties located at 113 Parker Ln (T/M #273-3-4), 117 Parker Ln (T/M #273-3-5), 121 Parker Ln (T/M #273-3-6), 125 Parker Ln (T/M #273-3-7), 129 Parker Ln (T/M #273-3-8), 133 Parker Ln (T/M #273-3-9), 137 Parker Ln (T/M #273-3-10), 141 Parker Ln (T/M #288-3-12), 142 Parker Ln (T/M #288-3-11), 134 Parker Ln (T/M #288-3-9), 130 Parker Ln (T/M #288-3-8), 126 Parker Ln (T/M #288-3-7), 122 Parker Ln (T/M #288-3-6), 118 Parker Ln (T/M #288-3-5), 114 Parker Ln (T/M #288-3-4), and 211 Diamond Rd, (T/M #272-2-1).

Vice-Chair Garst made a motion to recommend denial for the special exception change as well, which was seconded by Commissioner Henrickson. Upon a roll call vote, the same stood as follows:

Mr. Routt – Aye
Mr. Henrickson – Aye

Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

This special exception request has been denied and was unanimous with a 5-0 vote. The request will now go to City Council. They will be notified once that has been placed on the Agenda for the City Council.

E. Public Hearing for Amendment to the Zoning Ordinance and Special Exception Permit

Hold public hearing for the request of ABoone Real Estate, Inc., contact purchaser, to rezone the properties located at 1906 Mill Ln. & 1400 blk Penley Blvd. (T/M#s 205-2-5 & 204-13-1) from RSF/AG Residential Single Family/Agriculture Districts & AG Agriculture Districts to RSF Residential Single Family District **and** for a Special Exception Permit to include both parcels in the Cluster Housing Overlay District.

Commissioner Beamer requested a 30 second time out in case any attendees would like to leave the meeting.

Chair King asked Staff for additional comments or information. Staff reported that there are two large parcels of the current Dorsey Farm, one is zoned Agricultural and Residential Single-family, and the other is zoned Agriculture. They have applied for a rezoning to Residential Single-family with a special exception permit for cluster housing overlay. The proposal includes 70 smaller cluster housing lots which they will offset with the required open space to counterbalance the reduction in lot size. We have had several inquiries from neighbors over the public items but have not had any comments from neighbors.

Chair King opened the public hearing at 7:55 p.m. and asked if there was anyone present to speak for the applicant.

Mr. Alexander Boone at 5760 in the County of Roanoke addressed the Commission. Mr. Boone stated that he is here for ABoone Development, the applicant, with his colleague Cort Rosen and their partners, Joe Thomas Jr. and the Bowman Excavating team of Devon and Brent Bowman. They stated they were excited to be there to discuss some of the same issues previously discussed. They think there is a great opportunity to create another single-family community in the Mill Lane area where there are already single-family detached homes. Everybody knows the property as the Dorsey Farm and the Dorseys are an important part of the history of the farm that goes back many years. Fortunately, Jeff Dorsey is here tonight, and they appreciate him being here. The attendees might wonder where the name Stilton Mill came from. Mr. Rosen found in the land records the name Langhorn actually came from Mr. Langhorn, who was a landowner and one of his companies was called the Stilton Land Company. We want to honor the history of the property and thought it was appropriate to call it Stilton Mill to recognize Mill Lane. Mr. Boone commits to the Commission that this will be a well-done community. It will be a credit to Salem. Mr. Boone believes that their reputation in the community speaks for itself. They have worked very hard to make sure that they have outstanding

communities. They take good care of their customers. They build nice homes and make sure they have nice monument signs. They want to create community identity. They are going to have landscaping. He stated that this will be a well-done community. This will not be a one-size-fits-all housing project. Mr. Boone stated that, having heard everything previously discussed, there is a market for the 2 stories and there is a market for the 1 and 1.5 stories. They know that and their market data shows that. They know that there is such a demand. He addressed the planning commissioners on how difficult it is to develop and grow when landlocked. He stated that the City of Salem, unfortunately, is landlocked. With the small amount of land that is left, they have to make efficient determinations of the uses. It is important to be efficient, but Salem has to have housing because the area cannot grow if people do not have a place to live. That is what it comes down to. We have requested a rezoning from the Agricultural Single Family and regular Agricultural to Residential Single Family with the much-discussed cluster housing overlay from the last one. This is very timely because the RSF designation is in the future land use designation of the comprehensive plan. He believes they are good there. The cluster housing ordinance or overlay is smaller lots, but there is more open space. Mr. Boone stated they have exceeded the minimum amount of open space, not by a lot, 2.8 acres is the minimum and they are at 3.1, but we maximized it as they could. If recommended by this Commission and approved by the City Council, Stilton Mill will have 70 brand-new high-quality homes. They will have different homes to meet different market niches. They are going to have 2-story homes we think, as Mr. McCahill and Ms. Phillips, there is a market for that, no question about it. There is also a market for the 1 and 1.5 story homes and their lots actually work out very well. The topography of this land works very well for that type of product. They are going to have basement lots and slab lots. They are not going to try to force basements on slabs or force slabs on basements. They are going to work with the topography that is there. It is a beautiful piece of land, and it is conducive to what they are trying to do. As mentioned, they have worked with Engineer, Chris Burns, many times on landscaping and the open space. As the Fralin team stated, housing costs are so high, everyone in here knows, especially Mr. Henrickson, that costs are up 45% since 2020. It was interesting when he first read the Salem Zoning Ordinance years ago, he was talking to Mr. Burns on the phone and he read that there was a 75' lot. He thought that it was tough to achieve and then talked about the cluster, which is at 40'. They are asking for, as he spoke to Mr. Henrickson about, for a 51' lot under the cluster housing overlay. They do not want to go to the minimum. They think 51' allows flexibility to build the empty nester homes on 1 and 1.5 stories or it allows for the 2-story home. They are looking at probably a 40' wide house regardless of whether it is a main floor, primary bedroom suite or a second-floor primary bedroom suite. He stated that the 75' lot today is just not viable. People sometimes say that developers are trying to be greedy. Obviously, they have to make some money to continue on in the business and there is a tremendous amount of risk in this business. Doing a 75' lot is not a viable business model unfortunately anymore. One of the things that they are trying to do is to create. He says it is embarrassing to talk about affordable housing because there is no affordable housing. There is especially no new affordable housing, but they are trying to build less expensive housing, and their company certainly has built more expensive. We are working to try to help with that and a smaller lot definitely helps. They believe that they can bring houses into this community and that is their goal, to begin in the mid-to-high \$400,000 range and

probably go into the \$500,000 range. As Mr. Henrickson knows, the average new house in the U.S. last year was \$450,000. Their goal is to have a high-quality house. They are not going to have customer complaints. They are not going to have the BBB out there. They are not going to have that in their community. We will be proud of this community. He makes that commitment. Mr. Boone introduced his colleague, Mr. Rosen, who is going to address some of the traffic issues and storm water management that attendees would be interested in hearing. Mr. Boone appreciated the opportunity, looked forward to any rebuttal and to answering any questions.

Mr. Cort Rosen of 255 Cassell Lane, Roanoke, Virginia addressed the Commission about Stilton Mill. They are excited to propose this new community in Salem to provide high quality housing options. Alexander Boone has provided the vision for Stilton Mill, what they believe to be its conformance with the comprehensive plan and the land use, and their goal to offer a community that provides multiple housing options rather than the same house built over and over again. Their desire to create a neighborhood within Salem affords people the opportunity to live in high-quality, well-built homes in a well-designed neighborhood. He wanted to briefly share a few technical items that hopefully will address questions. The ingress/egress to the proposed Stilton Mill community is aligned with Millwood Drive, directly across from Mill Lane. This new entrance is done intentionally for multiple reasons. First, aligning roads directly across from one another creates a safer ingress/egress and reduces potential conflict between vehicles. Secondly, doing this prevents headlights from inadvertently going into a neighbor's windows. Thirdly, it creates road connectivity that, when building new roads, you want to create a road network that makes sense and is logical. Their Engineer, Chris Burns, conducted an exhaustive turn-lane study and determined that there are no warrants for turn lanes going in or out of the community. He believed that the Commission was provided with the turn-lane study. As noted on the concept plan, there is an empty lot that is in between two existing homes that front Penley Blvd. The Planning and Transportation Departments have suggested that there is no need for a street connection here. Their plan has been, following comments from the Planning Commission and their visit with City Council, to approach the owners of the existing homes on either side and offer to divide and deed that property to them at no cost. Fourthly and more importantly, as has been brought up a few times, the driveways of Lots 1-3 and 65-70, which are the lots that front Mill Lane, will include turnaround areas so that residents will not be forced to back out onto Mill Lane, but will be able to leave and egress onto Mill Lane driving forward. This will create a safer egress point for them and reduce backing onto Mill Lane. They do ask for a positive recommendation to City Council, and he is happy to answer any questions.

Commissioner Henrickson asked about the one lot that faces Penley and the turn around. He asked how are they going to address that as part of this proposal.

Mr. Rosen responded that they could talk about how they could address it. He believes both him and Mr. Boone have track records where, if they present something publicly, they do what they say, but if there is another way the Planning Commission would want them to address that, they could certainly explore it. They intend to do it. They did not offer any proffers but are happy to talk about that. It was not something they offered initially.

Mr. Guynn asked that what he had said was not a proffer.

Mr. Rosen stated that it has not been proffered, but they would be happy to talk about proffering it. Their commitment is to go to those homeowners and offer them each half of the lot and deed it over at no cost. As for the turnarounds, Mr. Burns has done work from an engineering perspective to make sure that fits after discussion with several Planning Commission members. They are committed to doing that. Again, they can talk about proffers and are happy to proffer the turnaround and the driveways. They are committing publicly, that is what they will do.

Mr. Guynn stated that they would like a notice of proffers.

Mr. Rosen stated that they always do what they say so however it needs to be addressed, they are happy to do it.

Commissioner Henrickson asked if this is the site plan that they are putting forth. Not doubting that the applicant was not going to do what he says he is going to do. If this gets rezoned, the opportunity to then say we want to do it this way now.

Mr. Rosen stated that it would not be more than 70 lots because that is what is shown on the plan. There are issues that he cannot answer right now that he does not know if Mr. Burns could answer, like the storm water management area which he would note is not considered as part of the open space. He doesn't know the exact sizing of the storm water pond yet. It would be hard. The storm water facility may shrink a little and the open space may expand, for example. He would say that he will more than substantially conform with this, but until Mr. Burns gets into the geometry of roads, it would be hard to say precisely where the line would be.

Commissioner Beamer asked about the turnaround and what Mr. Rosen was talking about on what he would call a "T".

Mr. Rosen responded yes.

Commissioner Routt asked if even on the narrow lots, they could do that.

Mr. Rosen responded yes.

Commissioner Beamer asked about the open space and whether they were going to take care of that or an HOA.

Mr. Rosen responded that an HOA would take care of that, and they planned to put parks on the property. Again, they have to figure out from a topography rating perspective but plan to put amenities within the open space, potentially a walking trail and all the stuff they have to work on with Mr. Burns and his team.

Chair King asked if there was anyone else to speak on this matter.

Mr. John Breen of 142 Bogey Lane addressed the Commission and stated that he has to say that ABoone is so much better than the prior developer. He has seen those developments, and they do credit to the land most of the time. That said, he has a couple questions that he wonders if the developer would be willing to answer. Mr. Breen understands the desire to have multiple types of housing on these lots and that can be a

good thing. He questioned if there are any limits to the spacing between the different styles. He has seen developments where this is talked about and then suddenly what we have is four of this in a row and then 5 of that in a row. Really, the desirability of differing styles gets defeated. He is wondering if there is some kind of implied limit so that we do not get style by style by style all in a box. Mr. Breen inquired about 51 being a narrow lot and wondered if there could be a comment as to how that works out with the space between each unit. He knows with Fralin, there isn't a lot of space, and we had 55' lots there. He was not sure exactly if there is going to be a waiver of size setbacks or are they such that the buildings are going to be where he can stretch his arms out and touch wall to wall.

Commissioner Henrickson responded to answer the second question first, on the plan, it is 5' side yard setbacks.

Chair King stated that it meets the code.

Commissioner Routt stated that it is 5' from the property line and the other house would be 5' as well.

Chair King asked if someone wished to speak on the first question about the design for the integration of patio and single family.

Mr. Boone answered that they do have guidelines where they do not build the same exact elevation of a house right next to each other. They do not build them across the street from each other. Topography has a lot to say about what gets built. What they try to do, what they want to have is a 1 story or a 1.5 story next to a 2 story when it works because it ends up having families next to empty nesters or married with no kids and build a real community. They have talked with people in some of their communities, if they look at them and they are mixed up, they have all of the types of houses mixed in and some of the empty nesters joke with him and say they are glad they did that. They tell him that all of the other builders want to put us old people all by ourselves and not with everybody else. They want to be with all the other communities. They want to hear the kids. The market will dictate what homes are next to each other, other than the topography. He thinks that where they have some of the slab lots, there will be more empty nester housing there and then the basement lots are to be more of the 2 stories. They are not going to see five of the same houses together like in other communities. That is not going to happen.

Vice-Chair Garst asked if that was by the standard of his developments in the past.

Mr. Boone stated that they do not build the same elevation next door to each other or across the street where basically you can see it within eye shot. So, they could build the same plan, but it cannot have the same elevation, it cannot look the same and they will maintain all architectural control. That is something that they do every day.

Commissioner Routt asked if they planned to build all of the houses.

Mr. Boone stated that at this point they do not know. They are working with Ryan Homes. They do not have a contract or agreement with them. They have lots of developments in relationships with them. He has worked with them in thousands of

houses in the Richmond market. It was a chance that his company could build some of the houses there. Also, there is a builder here, Mr. Steve Poff. He may build some houses there. It is all based on lots and what the costs end up being. Mr. Boone will be 100% architectural control. He will be involved in choosing every elevation and every floor plan that gets built in there, whether it is Mr. Poff, Ryan Homes or ABoone homes. They do not know yet.

Commissioner Routt asked if they had plans to sell any of the lots individually.

Mr. Boone answered no.

Chair King asked if anyone else was present to speak.

Mr. Jeffrey Dorsey, of 2700 Fletcher Street, Salem addressed the Commission and stated that he had come to speak on behalf of this rezoning. He is supportive of it. Mr. Dorsey has two brothers, Charlie and Doug, who could not be here. They have authorized him to speak on their behalf. His brother Charlie is a resident of a piece of the family farm that adjoins this property. Doug and Jeff do not live on the property. Moreover, they all grew up on this property. His grandfather and grandmother bought this property in 1942 and lived there until their deaths. His mother lived there until her death, and he grew up there from infancy until he left home. They are excited about Mr. Boone's work and the proposal and think it fits the property. They think it respects the property. They think it ties into the broader history of the property. He stated that the family is 100% supportive of it and asked for the Commission to approve it.

Chair King asked if there was anyone else that would like to speak on this matter.

Mr. Robert Hobbs of 1550 Millwood Drive, Salem addressed the Commission and stated that he lives just about 8 houses up from the intersection where this is going to occur. First, he has listened to everything said, but one thing he has not heard about is infrastructure. He stated that supporting this project, roads, improvements to sewer, improvements to water, taking up the extra traffic that will be showing up every day. They are building 70 houses. That is going to 150 extra vehicles per day on average that is going to be coming in and out of Mill Lane. They already have trouble with the four-way stop and the low water bridge. If a train gets stopped on the tracks, vehicles will be there for several hours. He asked if Interstate 81 gets backed up, have they seen what it does to Riverside Road, Mill Lane and at the low water bridge. This is going to triple that. He stated he has not seen anything about new roads or new streets, improving Mill Lane, improving Riverside. He asked that they show him, and he wanted to see this. As this stands right now, there is not near enough information, there is not near enough planning that this should go through. Mr. Hobbs stated that he strongly opposes this, as many of his neighbors do. Speaking about making driveways so that they could turnaround, are they going to do that on Millwood for the residents that have to back out of their driveways because that is going to get dangerous. People are going to get hurt. People are not thinking about what they are doing. Progression, improvement and growth are important to everyone, and we have to have it, but we must be smart about it. This is not common sense. This is not what we need to do in Salem. Salem is not that.

Chair King asked if there was anyone else that would like to speak on this matter.

Ms. Donna Shell of 1471 Penley Blvd. addressed the Commission and stated that she is that neighbor. She would like half a lot as proposed by Mr. Boone. Her question is similar about traffic too. Her road, Penley Blvd., is a cut-through road and she can see people pulling out and instead of going down to River Road, they are going to turn on to Penley. It is a small road. People are speeding through there. She never sees traffic police through there. That was not why she came to speak. Her main question is about this land. Her home backs up to this land. Right now, it is all wooded. She would like to know if all of that is coming down. She asked if there was going to be green space or trees between her property and the new property.

Mr. Chris Burns of 1208 Corporate Circle, Roanoke addressed the Commission. Mr. Burns addressed traffic. He stated that he also lives in this area. He lives in Roanoke County but is in the Russlen Farms development and is familiar with Riverside Drive and Mill Lane. He is not concerned about the amount of traffic that is going to come from this development. There are 15,000 cars per day that come through the four-way stop. This is going to add less than 5% to that. Being someone who drives through there every day, he does not think it is going to change anything. Mentioning the driveways, he does think that is a legitimate concern. He does think that it is important that they have people pulling out onto Mill Lane rather than backing into it. He also added regarding the comment about Interstate 81 traffic, that is clearly a problem right now, particularly with the construction that is going on. He does think that as that work is completed and there are three lanes available in each direction on I-81, that issue is going to almost go away. He stated that if there is an accident on I-81 after that project is complete, two lanes will be available most of the time. When people are cutting through Salem, it is because it is down to one lane or even worse. As far as infrastructure, as far as utilities, there is an 8' water line and an 8' sewer line in Mill Lane. Those are typical utilities to serve something like this. He stated that he believes every zoning request goes through the Water and Sewer Department for review and they have not heard any concerns as far as utility infrastructure. He would be happy to address any other questions that he did not cover.

Commissioner Henrickson asked if he could address Ms. Shell's concern where the lots back up to her property. He asked if there was going to be a fence or any screening of any kind.

Vice-Chair Garst asked if there are going to be any of the trees left.

Mr. Burns stated that they have not gotten far enough into the planning process to know exactly where the grading limits will be. Typically, when having residential single-family development adjacent to other residential single-family development, there is not a requirement as far as the zoning ordinance is concerned, for a buffer. He would have to defer to the developer to offer something like that.

Vice-Chair Garst asked about the statement that Mr. Burns made about 15,000 cars going through Mill Lane and Riverside Drive intersection.

Mr. Burns stated that it is according to the VDOT traffic data. There is daily traffic of 8,000 he thinks on Mill Lane and 7,000 on Riverside Drive.

Vice-Chair Garst stated that certainly, this will increase as a percentage.

Mr. Burns explained, for comparison, a development like this is 700 vehicles per day or roughly 10 per house and that is spread throughout the day, so they also look at peak hour traffic when everyone is going to work and school in the mornings or when everyone is coming home in the evenings. Those percentages are similar in the peak hours, around 4% to 5%, and that is what they are anticipating.

Mr. Boone stated that as far as the question about houses that back up to each other, it is difficult to answer that not having looked at the topography and the grading of what it is going to be. He will say that these are very deep lots, and these houses are not going to be backing up right up to each other. They are deep lots and, if we looked at the plans, they could tell how deep they are, so there is a lot of distance between the houses. The homes on Penley Blvd. also have deep backyards so there is going to be separation. We will plant some trees but until they get in and know exactly what it is going to be, as Mr. Burns said, it is because the zoning and subdivision ordinances do not require it when you have residential backing up to like kind residential. They will look at that because that helps their community as well to have some buffer. Hopefully, they will be able to keep some of the trees in there, it just depends on where the grading is and, as Mr. Burns said, what the limits of disturbance would be. They will plant trees in the backyard, but do not know what they will be. He affirms and represents that they will do that.

Ms. Megan Lucado of 5100 Millwood Drive addressed the Commission. She lives on the corner lot of Millwood Drive and Mill Lane. A lot of the same issues that everyone has addressed are a lot of her concerns. She does have questions about the traffic studies that were done. She knows the one that was done directly in front of her house was just for 2 different days for partial times of the day and neither of those were done when there has been an I-81 backup or during the time when kids are being dropped off at South Salem Elementary School. There are often backups all the way to her house on Mill Lane. She has concern with Millwood Drive being extended directly across. She stated that there are going to often come times when there is a cluster, and people cannot get in or out. She questioned if there had been any thought toward another four-way stop on Millwood Drive and Mill Lane to help alleviate some of the traffic. Also, just to mention the trees, when they bought her house 15 years ago, they really enjoyed having a farm across from them. She is not naïve; she knows that there is going to be development there but is there going to be any kind of trees left at all or is everything going to be wiped out and is there just going to be tons of tiny homes right on top of each other. From the plan that they put out, there are going to be 3 homes looking directly into her backyard. She cannot fathom that being enough space for 3 houses to look directly in her backyard.

Ms. Lisa Miller of 1890 Oak Drive. She urged the Commission to vote yes on this. It is a tale of two developers here tonight. She stated that she has a great developer behind her. As a realtor, knowing and reselling their homes versus some other people's homes, she has clients that will not even look at other people's homes. They are building what is needed here in Salem, which is the smaller homes for retirees. They have reverse engineered what we need. She is not sure who is asking for a great big home or a larger home on a tiny lot. If you are building a home for families, they have dogs and kids and they want yards. She is glad the Commission voted against that tonight. Typically, in the past, builders used model homes. She assumes that they will possibly be doing that again. The variety is nice. She recently sold a 1.5 story home where the people who

bought it were thrilled to have 2 story homes and families next to them because it was that sense of community. Right now, we have the opportunity, somebody is going to build, somebody is going to develop that land. It would have been nice if the strip down below that was recently rezoned as industrial, would have been a great PUD where we could have had townhomes and some places to go on that side of the tracks versus heading across. Maybe that can be addressed later. Right now, they are proposing to build a true neighborhood, and she cannot wait to sell their houses. She has clients right now that want to stay in Salem, but they want a small single-level house with walking paths and green spaces. The only concern she would have agreed with the people on Mill Lane is those driveways are a little hairy, so if they could figure out perhaps a back alley or some other way to do that. The "T" turnarounds are great. She thinks Salem should be happy they have chosen to develop this land instead of letting somebody else do it.

Mr. Paul Hicks of 1520 Penley Blvd. addressed the Commission. He lives right across the street from where the road is going to come out. He has been living on Penley Blvd. for 48 years. He has 1.9 acres of land. He is kind of glad they are moving the road, but he is really concerned. When they had the meeting on the first house that they built in front of him, 6 houses, a person on the Planning Commission at that time that he knew very well but he did not mention by name, he kind of promised him when they finished that they would curb and gutter Penley Blvd. the same as it is going over the hill. The road is too narrow for some traffic, school buses and things that come in front of his house. There is a lot of traffic but that is not his main concern. His main concern, he has built houses here in Salem. He built about 35 when he was able to, but he is way past building now. He built 2 houses on Mill Lane that joins Penley Blvd., and he had to put in curb and gutter on that side of the road on Penley Blvd. He did part of it himself. He built 3 homes on Franklin Street and had to curb and gutter that. Every house that he built did not have it and most of them he had to do it. He thinks that Penley Blvd. has got to be finished. That is his main concern. The traffic today at 5 o'clock was terrible. It is almost back to the railroad tracks right now. River Road in both directions, people getting off work, it is one of the worst roads in Salem. That is another concern that he has. Also, the buffer that was talked about. He has cypress trees between his house and the house next door. He did have pine trees but had all of them cut down. It cost him \$5,000 to get all of them cut down because it was not suitable when the wind comes and blows them over. If they plant cypress trees, they stay there forever. He would like to see cypress trees over there. Plant them 10' apart and they grow together, and it will make that look good.

Mr. C. E. Cumbe of 1510 Millwood Drive addressed the Commission. He has lived there since 1987 and has really seen the traffic increase. His question is the concern with the traffic on Mill Lane and the curve going up towards South Salem Elementary School. Every time he pulls out, he guns his vehicle and hopes that no one is coming around the curve. About 80% of the time when he does pull out, somebody comes up the hill from River Road. In the 90s, people in Woodbridge complained so much about the traffic that the City of Salem came up with the design for a new proposed bridge. They found out that it was going to be down about where Bojangles is, it would come out at the main entrance of Woodbridge, and Millwood and Millstream would become the main thoroughfare. This room was filled by people from Woodbridge, and he had not heard another word about that bridge. They build all of these houses; traffic is going to increase.

Those people are going to complain, all Russlen Farms and Woodbridge are going to complain about it. He asked if the City of Salem is planning on building that bridge and, if so, he hopes that it is not going to be where the Bojangles is, aligning with the main entrance to Woodbridge because he does not want to live on a throughfare. He moved there in 1987 because it was a subdivision, and he does not want it to become a main road.

Ms. Stella Reinhardt of 213 North Broad Street addressed the Commission. Looking at the map on her phone, she wanted to ask about one of the big issues of the crossroads at Mill Lane and Riverside Drive. Riverside Drive has no shoulder. It is winding and curvy, and it comes out into West Main Street, which is not an easy drive either on its own. She asked if one of the issues with building houses on country roads is all the driveways and how they take their lives in their hands just getting out of their houses. She asked if she understood correctly that each of those house lots that looked like they open onto Mill Lane would come onto Mill Lane.

Vice-Chair Garst answered 9.

Ms. Reinhardt asked if it is 70 houses, why not take part of 2 of those lots right at the division of the Y and the ones horizontal to Mill Lane and, having a number of houses, 6 on one side and 3 on the other side, that would be 9 additional driveways on Mill Lane. That is going to be crazy with 70 new houses and all of the additional building that is going on in Salem. She is wondering why they could not sacrifice at least part of those 2 horizontal lots right at the division of the Y road and have those houses face new drives there and the back of the houses are to Mill Lane. They could even have a berm with trees. The trees she keeps hearing about. She asked if we could save some of those mature trees. If some of the lots are deep, with the climate the way it has been the last few summers, if it is far away from the houses. They might be able to save some of those trees as a buffer, help for the climate, and screening for the people that are going to all of a sudden have tons of company. The other thing too, this is going to bring a lot of traffic onto Mill Lane, Riverside Drive and the bridge. She asked if they were thinking about traffic circles, maybe at the main entrance. She stated that the roads are narrow enough that we could actually drive a narrow traffic circle and not have multiple lanes. That might be helpful.

Chair King closed the public meeting at 8:39 pm. Chair King asked Staff to correct her if she is incorrect in the statement that she fully appreciates, as do the other Commissioners, concerns about traffic. Unfortunately, the Commission cannot hold the developer responsible for the four-way stop, the low-water bridge or the accidents on I-81 anymore than they can hold any one of them responsible for those issues. She wants to make sure that everybody understands. She happens to live one block from Main Street and, if there is an accident on I-81, she knows about it. That is not an everyday situation.

Chair King asked for comments from the Commissioners.

Commissioner Henrickson asked if he could take that a little further. Being a former developer, it seems like every time a new subdivision comes up, traffic is always the main issue. He knows that in their work session that they had earlier, they talked extensively with Staff on what plans have been talked about to help the River Road/Mill Lane

intersection and what else has been talked about to try to alleviate some of the traffic, but like was said, that is a City issue and needs to be addressed. He knows that Staff is working to figure out something there, but that is not the developer's issue at this point.

Commissioner Beamer asked Chair King, talking about infrastructure, that she has reports on the police and school system.

Chair King stated that she fully understands that sometimes our citizens do not understand the type of research that the Planning Commission does. She has statements from both the Police Chief and School Superintendent because those things do concern them. The School Superintendent has made it quite clear that Salem is nowhere near capacity because the Commission was concerned about putting 70 lots in here with the potential for children at South Salem Elementary School, Andrew Lewis and Salem High School, all of which he says has more than enough capacity to take everyone. The Police Chief says that there is a situation with speeding on Mill Lane, however, his comment was that when we put in residential areas where there has been nothing but vacant land, it provides a visual area that causes people to slow down. His concern was about the driveways coming onto Mill Lane, as was the concern of all five of the Commissioners. They were pleased to have an opportunity to view the property at different times with Mr. Boone and Mr. Rosen and they heard us. As we heard tonight, what they plan to do is to put those "T" driveways in so that no one is backing out onto Mill Lane. Having said that, neither they nor the Commission can tell you what a person is going to do on any given day. Obviously, the purpose of those driveways is to keep people from backing out onto Mill Lane. Chair King also commented on the issue that anything coming before the Planning Commission is always advertised in the Salem Times Register. That is the method that is required by State Law and, if they every have any questions about what might be coming up on the Planning Commission's Agenda, please do not hesitate to contact the Staff or any one of the Commissioners. It is on the City of Salem website and is not a secret. It is not anything that is done under the table. It is all publicized.

Chair King asked if there were any other comments from the Commissioners tonight. The public meeting ended at 8:44 PM.

F. Amendment to the Zoning Ordinance

Consider the request of ABoone Real Estate, Inc., contact purchaser, to rezone the properties located at 1906 Mill Ln. & 1400 blk Penley Blvd. (T/M#s 205-2-5 & 204-13- 1) from RSF/AG Residential Single Family/Agriculture Districts & AG Agriculture Districts to RSF Residential Single-Family District.

Chair King asked if there was a motion on this request. Commissioner Henrickson made a motion to approve with conditions. Chair King stated that the conditions will be put on the Special Exception Permit request.

Mr. Garst suggested that Mr. Boone proffer driveways designed to allow for turnaround so that they have a little flexibility whether it is a "T" or a loop.

Mr. Boone stated that they do not really care what it looks like. They want them to look

good, they do not want too much asphalt but as far as the actual configuration is concerned, they are fine. He deferred to Mr. Burns on what it is, maybe 5' or 6'.

Mr. Burns stated that he thinks Mr. Garst is saying do not put the term "T" turnaround into the proffer. We need to word it in a way that allows the room to make a turnaround.

Commissioner Henrickson asked about approval with the number of lots.

Mr. Boone stated that they will proffer no more than 70 lots. Mr. Boone stated that they had talked about storm water management, but this is what they want.

Mr. Burns stated that they stay away from substantial conformance just because they have not gotten far enough with the design. He stated he thinks they are fine to proffer maximum number of lots. He thinks they can even proffer a frontage requirement if that helps.

Mr. Boone stated that he would be glad to proffer 51' on the width of the lots.

Mr. Burns stated that he just did not know where storm water management was going to go.

Mr. Boone stated maximum would be 70 lots and the lots will be no smaller than 51' wide. They could be larger.

Commissioner Henrickson made a motion to approve with the proffer. Commissioner Routt seconded the motion.

Upon a roll call vote, the same stood as follows:

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

This was a unanimous decision to approve the request with a 5-0 vote. The request will now go to City Council. They will be notified once that has been placed on the Agenda for the City Council.

G. Special Exception Permit

Consider the request of ABoone Real Estate, Inc., contact purchaser, for a Special Exception Permit to include the properties located at 1906 Mill Ln. & 1400 blk Penley Blvd. (T/M#s 205-2-5 & 204-13-1) in the Cluster Housing Overlay District.

Chair King stated they will do the same conditions because those are conditions that the

Commission can put on.

Mr. Rosen asked if the Commission would be able to put those conditions on and they do not need to.

Chair King stated that is correct because it is a special exception permit.

Commissioner Henrickson made a motion to approve with conditions. Mr. seconded the motion.

Upon a roll call vote, the same stood as follows:

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

This was a unanimous decision to approve the request with a 5-0 vote. The request will now go to City Council. They will be notified once that has been placed on the Agenda for the City Council.

5. Adjournment

There being no further business, Chair King adjourned the meeting at 8:49 PM.